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I. OATHS OR AFFIRMATION OF ALLEGIANCE TO THE CROWN.

II. NOMINATION OF FOUR CHAIRMEN BY THE PRESIDENT.

III. QUESTIONS AND ANSWERS.

IV. GOVERNMENT BILLS.

(1) Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879).

Notices of amendments have been received from—

- (i) Rao Saheb D. P. Desai, M.L.C.
- (ii) Mr. P. G. Joshi, M.L.C.

(2) Bill No. XII of 1924 (A Bill to provide for the collection of statistical information for public purposes)—First Reading.

(3) Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay)—Second Reading.

Notices of amendments have been received from—

- (i) Mr. L. B. Bhopatkar, M.L.C.
- (ii) Rao Saheb D. P. Desai, M.L.C.
- (iii) Mr. V. N. Jog, M.L.C.
- (iv) Mr. P. G. Joshi, M.L.C.
- (v) Mr. J. A. Madan, M.L.C.

(4) Bill No. XXI of 1924 (A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles)—Second Reading.

Notices of amendments have been received from—

- (i) Dr. M. M. Mehta, M.L.C.
- (ii) Mr. M. D. Karki, M.L.C.

(5) Bill No. XXV of 1924 (A Bill further to amend the City of Bombay Municipal Act, 1888)—Second Reading.

Notices of amendments have been received from—

- (i) Mr. A. N. Surve, M.L.C.
- (ii) Mr. K. F. Nariman, M.L.C.
- (iii) Mr. Hoosenally M. Rahimtoola, M.L.C.

(6) Bill No. I of 1925 (A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918)—Second Reading.

Notices of amendments* have been received from—

- (i) Mr. L. B. Bhopatkar, M.L.C.
- (ii) Mr. K. F. Nariman, M.L.C.
- (iii) Mr. A. N. Surve, M.L.C.
- (iv) Dr. M. B. Velkar, M.L.C.

(7) Bill No. XI of 1925 (A Bill further to amend the Bombay Smoke-Nuisances Act, 1912)—First Reading.

(8) Bill No. XII of 1925 (A Bill further to amend the Bombay Port Trust Act, 1879)—First Reading.

(9) Bill No. XIII of 1925 (A Bill to impose a tax on totalisator betting)—First Reading.

Notice of amendments has been received from—

- (i) Mr. A. N. Surve, M.L.C.

(10) Bill No. XIV of 1925 (A Bill further to amend the Bombay Abkari Act, 1878)—First Reading.

(11) Bill No. XVI of 1925 (A Bill to give wider powers in the management of municipal affairs in certain cities)—First Reading.

(12) Bill No. XVII of 1925 (A Bill to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in the Municipal Corporation of the City of Bombay)—First Reading.

(13) Bill No. XV of 1925 (A Bill to amend the Bombay Local Boards Act, 1923)—First Reading.

V. DEMANDS FOR SUPPLEMENTARY GRANTS.

VI. MOTIONS TO AMEND STANDING ORDERS.

- (1) Motions Nos. III to VIII of 1924—Third Reading.
- (2) Motion No. I* of 1925 by Mr. P. G. Joshi, M.L.C.

VII. PRIVATE BILLS.

(1) Bill No. XXII of 1924 (A Bill to amend the Bombay District Police Act, 1890)—Second Reading—Mr. A. N. Surve, M.L.C.

Notice of amendments* has been received from—

- (i) Mr. L. B. Bhopatkar, M.L.C.

(2) Bill No. XXVI of 1924 (A Bill to alter the constitution and to widen the powers of municipalities)—First Reading—Mr. L. B. Bhopatkar, M.L.C.

(3) Bill No. IV of 1925 (A Bill to enable the Hindus of the Province of Sind to restrict themselves to monogamous marriages)—First Reading—Mr. D. B. Adwani, M.L.C.

Notices of amendments have been received from—

- (i) Mr. P. G. Joshi, M.L.C.
- (ii) Mukhi Jethanand Pritamdas, M.L.C.
- (iii) Mr. A. N. Surve, M.L.C.

(4) Bill No. V of 1925 (A Bill further to amend the Bombay Land Revenue Code, 1879)—First Reading—Mr. R. D. Shiude, M.L.C.

(5) Bill No. VI of 1925 (A Bill to amend the Bombay Local Boards Act, 1923)—First Reading—Mr. L. S. Chaudhari, M.L.C.

(6) Bill No. VII of 1925 (A Bill further to amend the Cattle Trespass Act, 1871, amended by Bombay Act IX of 1924)—First Reading—Mr. J. C. Swaminarayan, M.L.C.

(7) Bill No. VIII of 1925 (A Bill further to amend Bombay Act VIII of 1867, the Bombay Village Police Act, 1867)—First Reading—Mr. D. R. Patil, M.L.C.

Notices of amendments have been received from—

- (i) Mr. P. G. Joshi, M.L.C.
- (ii) Mr. A. N. Surve, M.L.C.

(8) Bill No. IX of 1925 (A Bill further to amend the Bombay Town Planning Act, 1915)—First Reading—Mr. L. B. Bhopatkar, M.L.C.

Notice of amendments has been received from—

- (i) Mr. A. N. Surve.

(9) Bill No. X of 1925 (A Bill further to amend Bombay Act No. III of 1874, the Bombay Hereditary Offices Act, 1874)—First Reading—Mr. D. R. Patil, M.L.C.

Notice of amendments has been received from—

- (i) Mr. A. N. Surve.

(10) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce the Bill—Mr. P. G. Joshi, M.L.C.

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

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

(13) A Bill further to amend the City of Bombay Improvement Act, 1898—Motion for leave to introduce the Bill—Mr. P. G. Joshi, M.L.C.

(14) A Bill further to amend the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Mr. S. K. Bole, M.L.C.

(15) A Bill further to amend the City of Bombay Improvement Act, 1898—Motion for leave to introduce the Bill—Mr. Hoosenally M. Rahimtoola, M.L.C.

(16) A Bill further to amend the Bombay Rent (War Restrictions) Act, II of 1918, and the Bombay Rent (War Restrictions No. 2) Act, VII of 1918, as amended by the Bombay Act XXX of 1920 and Bombay Act III of 1924—Motion for leave to introduce the Bill—Dr. M. B. Velkar, M.L.C.

(17) A Bill further to amend the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Mr. A. N. Surve, M.L.C.

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

(19) Two Bills further to amend the Bombay Rent (War Restrictions) Act II of 1918 and the Bombay Rent (War Restrictions No. 2) Act VII of 1918 as amended by Bombay Act (XIV) of 1920, Bombay Act III of 1923 and Bombay Act III of 1924 and as to be further amended by Bombay Act (. . .) of 1925 (at present under consideration as Bill No. I of 1925)—Motion for leave to introduce the Bills—Mr. K. F. Nariman, M.L.C.

VIII. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.*

Resolutions by Mr. P. G. Joshi, M.L.C.

1. "This Council recommends to the Governor in Council that the new increased maximum rates of land assessment which have been introduced in various parts of the Presidency including Sind, after the publication of the Joint Parliamentary Select Committee's recommendations to regulate by statute the process of revising land assessment, should forthwith be withdrawn and the old rates be introduced in their stead."

2. "This Council recommends to the Governor in Council to represent to the Governor General in Council that the Electoral Rules should be so modified as to enable women to stand as candidates for the Council elections."

3. "This Council recommends to the Governor in Council that the scale of pay suggested by the Honourable Messrs. Sathe and Paranjpye for teachers in the Primary Schools (known as the Sathe-Paranjpye Scheme) be brought into force immediately and before the services of the teachers are transferred to the various Local Boards in the Presidency."

Resolutions by Mr. S. S. Dev, M.L.C.

1. "This Council recommends to Government that in order to allay the discontent prevailing among the agriculturists of the presidency and to give them real relief, the following fees and fines, wherever they have been recently increased, be reduced to their original level:—

Grazing fees per head of cattle ;

Fees per cart and headload of grass ; ' ' "

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

20 JULY 1925]

Agenda

Fees per cart and headload of Anjan leaves ;
 Fees per cartload of thorns ;
 Fees per cart and headload of fuel ;
 Fees per cartload of stones of various kinds ; and
 Fines per head of cattle impounded."

2. " This Council recommends to Government that they be pleased forthwith to appoint for each district in the presidency a mixed committee of officials and non-officials, with a majority of non-officials, including all the elected members of the Legislative Council for that district, the committee having power to elect its own chairman, in order (1) to investigate into the economic condition of the people of the district and (2) to ascertain their various grievances, and to report thereon, suggesting remedies, where possible."

3. " This Council recommends to Government that in view of the population of, and the number of voters in the non-Mahomedan rural constituency of the district of West Khandesh, they may be pleased to move the proper authorities to allot two seats in the Bombay Legislative Council to that constituency."

4. " This Council recommends to Government to suspend the introduction of the revised rates of assessment in the Sindkheda taluka in the West Khandesh district, till legislative or other action is taken by Government on the resolution passed by this Council on the 15th March 1924, regarding the revision of the land revenue assessment."

5. " This Council recommends to the Governor in Council to appoint forthwith a small committee, with a non-official majority, to investigate into the causes of the discontent prevailing among those khatedars in the Mulshi Peta whose lands are being acquired for the Nila-Mula project, and to report thereon."

6. " This Council recommends to Government that all lands situated in the villages in Mulshi Peta, which are above the contour line of the Nila-Mula project of the Tata Power Co., Ltd., and have been rendered useless to the owners or have deteriorated in value on account of the said project be acquired under the Land Acquisition Act at the rates at which the adjoining lands to be submerged under water are being or have already been acquired."

7. " This Council recommends to Government that the orders prohibiting school boys in Government and aided institutions from attending public meetings be at once rescinded."

8. " This Council recommends that Government be pleased to give substantial monetary help to the Shreemati Nathibai Damodar Thackersey Indian Women's University, as a mark of appreciation of their efforts in conducting for the last eight years the very useful and important experiment of imparting secondary and higher education to women through the medium of the vernacular and that this help be given without imposing any such restrictions as may interfere with the internal administration of the said university."

9. "This Council recommends to Government that they may be pleased to revise the existing partition of Khandesh and readjust it by transferring Amalner, Parola and Chalisgaon talukas to West Khandesh."

10. "This Council recommends that Government be pleased to authorise district officers to supply the members of this Council such information of public interest as they may seek from such officers."

Resolution by Sayed Muhammad Kamil Shah, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Mr. Mahomed Ayub Shah Mahomed Khuhro, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

2. "That in view of the ungenerous policy of Government towards the executive branch of the provincial civil service, this Council recommends to Government that a large number of superior appointments should be forthwith thrown open to the members of the executive branch of the provincial civil service in accordance with the undertaking given by Sir William Vincent in reply to question No. 148 of Rai G. C. Nag Bahadur, M.L.A., on the 15th September 1921 in the Indian Legislative Assembly and in accordance with the recommendation of the Lee Commission."

Resolution by Khan Bahadur Jan Mahomed Khan Pathan, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and

to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolution by Mr. Punjabhai Thakersi, M.L.C.

1. "This Council recommends to Government to appoint immediately a committee with a non-official majority to enquire into the problem of the growing unemployment in the city of Bombay, and to suggest means to remove it."

Resolutions by Mr. G. B. Pradhan, M.L.C.

1. "This Council recommends to Government in view of the importance of the Bombay Suburban district to take such steps as may be necessary to secure a separate seat on the Bombay Legislative Council to that district over and above the two seats now allotted to the Thana district."

2. "This Council recommends to Government that a committee with a non-official majority, elected by the Council, be appointed to inquire into the causes and extent of the unemployment in Bombay, the steps taken by Government and private bodies to alleviate the distress and to suggest ways and means for giving relief to the unemployed."

3. "This Council recommends to Government that a road be constructed between Dolkhamb and Shenva in the Thana District in view of the inconvenience to at least one hundred villages on that side."

Resolution by Pir Rasulbaksh Shah, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Moulvi Rafuiddin Ahmad, M.L.C.

1. "This Council recommends to Government that they be pleased to establish a chair for Arabic at the Elphinstone College, Bombay, and Lecturers for Urdu in the Government Arts Colleges at Poona and

Bombay and an Arabic teacher in the Government Anglo-Urdu High School, Poona."

2. "This Council recommends to Government that quarantine for Meccan pilgrims at Kamran should be abolished."

3. "This Council recommends to Government that divisional educational inspectorships should be abolished and the Educational Department should be reconstituted on a new basis."

4. "This Council recommends to Government that the matriculation test for Police sub-inspectorships should be done away with and a departmental examination of admission should be adopted instead."

5. "This Council recommends to Government that side by side with Marathi, Urdu classes for the benefit of Mahomedan students should be established from the 4th to 7th standard at the High School at Jalgaon."

6. "This Council recommends to Government that two lady doctors of the grade of sub-assistant surgeons should be attached experimentally to the Civil Hospital, Jalgaon, in furtherance of female medical aid to such of the Hindu and Mahomedan women as are precluded on principle from utilising male medical agency."

Resolutions by Mr. R. S. Nekaljay, M.L.C.

1. "This Council recommends to the Governor in Council;

(a) that a limited number of watandar Mahars should be kept in each district of the presidency and that they should be paid at the rate of Rs.15 rising to Rs. 20 per month;

(b) that the inam lands at present held by watandar Mahars in the various districts should be granted free of assessment to the present holders in return for the long and meritorious services rendered to Government by them and their ancestors."

2. "This Council recommends to the Governor in Council to prohibit by law the practice prevailing among certain classes of eating the flesh of dead animals."

3. "This Council recommends to the Governor in Council to start free boarding-houses for 50 depressed classes children in each of the following areas:—Gujarat, Satara district, East and West Khandesh districts and Sind."

4. "This Council recommends to Government to re-impose tolls on the Imperial road passing through Satara and to hand over the income of these tolls, together with the income of tolls on the provincial roads in the district, to the district local board of Satara with an order to spend it on the improvement of village communications."

Resolutions by Mr. D. R. Patil, M.L.C.

1. "This Council recommends to Government that the proposed revision of the land revenue assessment in Chalisgaon taluka in East

Khandesh district be postponed till the questions that are before the Land Revenue Assessment Committee are finally decided by the Council."

2. "This Council recommends to Government that rules be at once so framed and enforced in all local areas as to make punishable with rigorous imprisonment extending to 6 months or with fine extending to Ra. 200, or both, the slaughter of—

(1) all pregnant and milch cattle—milch cattle meaning cattle that are actually in milk or capable of bearing calf;

(2) all cows, breeding bulls and draught and plough cattle;

(3) all animals except sheep and goats of or below the age of 12 years; and

that the existing laws relating to the slaughter of cattle be so altered as to give effect to the resolution provided that no part of this resolution shall extend to sacrifice of cattle required by the Mahomedans for the purpose of the Id religious ceremony."

Resolution by Mr. G. I. Patel, M.L.C.

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

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

1. "That in view of the pecuniary hardships of the primary teachers this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

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

3. "That in view of the fact that the number and quality of milch animals are already inadequate for a sufficient supply of milk required by the people of the province of Bombay and those of plough cattle and draught cattle are altogether inadequate for cultivation and other necessary purposes, this Council recommends to Government that the present practice of indiscriminate slaughter of cattle be discontinued and that rules be at once framed and enforced throughout the province for stopping the slaughter of—

(a) animals which are pregnant or in milk;

(b) all cows;

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

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

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

Resolution by Haji Fazul Mahomed Khan Laghari, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Haji Abdullah Haroon, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

2. "This Council recommends to Government that for the Mussalman community (Sunnis and Shias) sectional holidays should be sanctioned for the following important festivals :—

- (a) Shabi-Mairaj,
- (b) Shabi-Qadar,
- (c) Juma-tul-wida,
- (d) Hajj."

3. "This Council recommends to Government that the Karachi and Bombay Port Trust Acts be so amended that the proceedings of the meetings of the Karachi and Bombay Port Trusts be open to the press and public."

4. "This Council recommends to Government to take the necessary steps for the removal of the disqualification, with respect to candidature at municipal, local board and Legislative Council elections, of persons convicted of political or other offences not involving moral turpitude and sentenced to any term of imprisonment."

5. "This Council recommends to Government to supply the individual members of this Council such special reports and publications as Census Reports, History of Services of Gazetted Officers, Bombay

Gazetteers, Departmental Manuals, all editions of the Bombay Civil List, etc., which are now not supplied to them."

6. "This Council recommends to Government to supply, free of cost, all Government publications, ordinarily supplied to the members of the Legislative Council, to the editors of all newspapers in the Bombay Presidency, including Sind."

7. "This Council recommends to Government to extend the benefit of the compensatory allowance to non-gazetted officers serving at Bombay, Poona and Karachi at the rate of 20 per cent. of their pay with retrospective effect from the date from which such allowance has been granted to gazetted officers at the above places."

8. "This Council recommends to Government to take steps to encourage and develop the Unani and Ayurvedic systems of medicine and with that end in view to establish a Unani and Ayurvedic Medical College at a suitable centre in Sind."

9. "This Council recommends to Government that in order to allay the discontent prevailing among the agriculturists of Sind, and to give them real relief, the existing rates of grazing fees and fines per head of cattle impounded, be reduced by half."

10. "This Council recommends to Government to order all law courts in the Bombay Presidency, including Sind, to give due facilities to Mussalman pleaders, parties and witnesses, attending such courts, on Fridays, for their Friday prayers, by allowing them 2 hours' leave."

11. "This Council recommends to Government that in view of the special conditions of forest areas in Sind the Forest Department in Sind be abolished and the control and administration of the forests be handed over to the respective district local boards."

Resolution by Kazi Enaitullakhan, M.L.C.

1. "Taking into consideration the pecuniary hardships of the primary teachers in the presidency, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

Resolution by Mr. C. M. Saptarshi, M.L.C.

1. "Taking into consideration the pecuniary hardships of the primary teachers in the presidency this Council recommends to Government that the primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

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

Resolutions by Rao Saheb D. P. Desai, M.L.C.

1. "This Council recommends to Government that major irrigation works may be constructed to irrigate the famine-stricken parts of Gujarat, and to investigate the possibilities of such schemes fifty thousand rupees may be set apart to carry on all preliminary survey and other operations."

2. "This Council recommends to Government that in view of the difference of opinion among experts regarding the project of the Sukkur Barrage a strong committee of expert engineers be appointed to examine the scheme and report thereon."

3. "This Council recommends to Government that due steps be taken to put into execution the suggestions outlined in the Prize of Delhi scheme."

4. "This Council recommends to Government to take proper measures to encourage art crafts in this Presidency."

Resolution by Dr. L. S. Chaudhari, M.L.C.

1. "This Council recommends to Government that the Sathe-Paranjpye scheme of vernacular teachers' pay be applied with effect from March 1923."

Resolutions by Mr. D. B. Adwani, M.L.C.

1. "In view of the controversy that has been raised by competent irrigation engineers in connection with the Lloyd Barrage and Canals Scheme, this Council recommends to Government that an independent expert or committee of experts be appointed to examine the project and to submit his or their report at the earliest possible date."

2. "This Council recommends to Government that primary teachers in the whole of the Bombay Presidency be paid in accordance with the Sathe-Paranjpye Scheme with effect from March 1923."

Resolution by Dr. M. B. Powar, M.L.C.

1. "This Council recommends to Government that the Notification recently issued by the Collector of Kolaba in the Kolaba district, regarding the carrying of processions with music, be forthwith withdrawn."

Resolutions by Dr. M. D. Karki, M.L.C.

1. "This Council recommends to Government that with a view to making medical aid available to those who are suffering from various sorts of diseases and ailments due chiefly to malaria which has been the main cause of the steady decrease of population and of the breakdown of the general health of the people of the inland and forest villages of Kanara, itinerant doctors be forthwith appointed in each of the talukas and pethas of the said district."

2. "This Council recommends to Government that an Ayurvedic college be established as early as possible at a convenient place in the Presidency."

3. "This Council recommends to Government that a new road to the extent of 7 miles be opened between Tolsan in Honavar taluka and Kodigadde in Siddapur taluka of the Kanara district to connect the existing 12 miles road from Honavar to Tolsan and the existing 23 miles road from Siddapur to Kodigadde *via* Doddamane and that the whole of the said road from Honavar to Siddapur be taken over by the P. W. D. and be made a convenient and well constructed one for encouraging and facilitating the traffic between the two important talukas of Honavar and Siddapur."

4. "This Council recommends to Government that with a view to reducing the extravagant cost of forest administration the number of divisions in Kanara should be reduced, the minor forest division being abolished and the other divisions being reduced to two."

5. "This Council recommends to Government that the post of the Chief Conservator of Forests be forthwith abolished."

6. "This Council recommends to Government that further recruitment from outside to fill the posts of divisional forest officers in the presidency be stopped and that senior rangers be appointed henceforth to those posts."

7. "This Council recommends to the Government that the system of levying grazing fees on cattle be abolished in Kanara."

8. "This Council recommends that with a view to relieving the villagers of Kanara from the innumerable difficulties to which they have been put on account of the pressure of forests proper on their village sites and to averting such difficulties arising in future, the existing proper forests within the distance of from half a mile to one mile from the village sites should either be converted into bettas or minor forests, as the case may be, and that no land within that distance should in future be made a proper forest."

9. "In view of the pecuniary hardships under which the primary teachers in the presidency are labouring, this Council recommends to Government that they (primary teachers) should be paid according to the Sathé-Paranjpye scheme from March 1923."

10. "This Council recommends to Government that a committee with three-fourths non-official majority be appointed to consider and report on the present rules regarding the suspension and remission of land revenue and to suggest what changes it is desirable to make in them."

11. "This Council recommends to Government that Revenue Commissionerships should be abolished."

12. "This Council recommends to Government that, in order to allay the hardship and irritation caused to the poorer classes of people of Kanara who are accustomed to eat the pith of the 'tali-palm' tree on account of

the increase in the fees, the present fee of Rs. 4 per tree be reduced forthwith to Re. 1."

13. "This Council recommends to Government that in order to allay the discontent prevailing among the gardeners of the above-ghat talukas of the Kanara district on account of the 'betta' rules (*vide* Revenue Department Notification No. 7193 dated the 16th April 1923) as modified up-to-date, the said rules be, after consulting the leading gardeners in the various talukas, so revised as to meet their wishes."

14. "This Council recommends to Government that a bridge or a high level causeway be built on the Badagani river at the Badagani ferry in the Honavar taluka in the district of Kanara."

15. "This Council recommends to Government that a bridge or a high level causeway be built on the Venkatapur river at the Venkatapur ferry in the petha of Bhatkal in the district of Kanara."

16. "This Council recommends to Government that the manufacture of *jagri* by the cultivators of Kanara be treated as an agricultural operation and that they be restored to their original position by the deletion of the words 'but not for the manufacture of *jagri*' appearing in sub-clause (a) of clause No. 1 of the present Kanara Forest Privilege Rules as published under notification No. 779 dated 16th April 1924 in the Revenue Department."

17. "This Council recommends to Government that in view of the peculiar circumstances under which the district of Kanara is placed, they may be pleased to move the proper authorities to allot two seats in the Bombay Legislative Council, one for the Karwar division and the other for the Sirsi division in that district."

18. "This Council recommends to Government that a small committee of officials and non-officials from the Kanara district be appointed with a majority of non-officials including the elected member of the Legislative Council for that district to investigate into the grazing problems in that district and to suggest ways and means for improved grazing there, such committee being given power to elect its own chairman."

Resolutions by Mr. S. T. Kambli, M.L.C.

1. "This Council recommends to Government to reimpose tolls on the Imperial road passing through Satara and to hand over the income of these tolls together with the income of tolls on the provincial roads in the district to the District Local Board of Satara with an order to spend it on the improvement of village communications."

2. "This Council recommends to Government that a railway line be constructed between Hubli and Karwar at an early date."

Resolution by Mr. D. N. Patel, M.L.C.

1. "This Council recommends to Government that the scale of pay for primary teachers as laid down in the Sathé-Paranjpye scheme be

brought into force from March 1923 and before their services are transferred to the various local boards in the presidency."

Resolution by Khan Bahadur D. B. Cooper, M.L.C.

1. "This Council recommends to Government to hand over the income of all toll bars on the provincial roads, in the Satara district, to the District Local Board, Satara, with an order to spend it on the improvement of village communications."

Resolution by Sayed Ghulam Nabi Shah Maujahi Shah, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Mr. V. R. Kothari, M.L.C.

1. "This Council recommends to Government not to issue licenses for the sale of country liquor and toddy in villages having a population of five thousand or less after the expiry of the period of the existing licenses."

2. "This Council recommends to Government that all additional expenditure that will have to be incurred on further expansion of primary education in rural and municipal areas should be borne entirely by Government."

Resolution by Haji Khamiso Gul Mahomed, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Dr. M. M. Mehta, M.L.C.

1. "This Council recommends to Government that graduates of the Bombay University duly qualified in Hygiene, Medicine and Surgery, be appointed, as Assistant Directors of Public Health, on the same pay and with the same status as members of the Bombay Medical Service, to as many districts as the provision in the budget sanctioned under this head would allow, with the least possible delay."

2. "In view of the pecuniary hardships of the primary teachers in the presidency, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

3. "That in view of the fact that Kosad and Sosank cotton sale societies in the Surat district use only one kind of cotton seed and that there is no fear of any admixture with inferior variety of cotton seed by the members of these societies, this Council recommends to Government that exemption should be given to the members of these societies from obtaining licenses for transport of cotton."

Resolution by Dr. K. E. Dadachanji, M.L.C.

1. "This Council recommends to Government that a committee be appointed to inquire into the causes and extent of unemployment in Bombay city and to suggest ways and means of giving relief to the unemployed."

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

1. "This Council recommends to the Government that steps should be taken to abolish the Development Directorate as a separate department and to transfer its activities to the Public Works Department."

Resolutions by Mr. R. G. Pradhan, M.L.C.

1. "This Council recommends to Government that immediate steps be taken to give full effect to the recommendations embodied in the minority report of the Technical and Industrial Education Committee appointed by Government in their resolution No. 973 dated the 17th February 1921 otherwise called 'the Visvesvaraya Committee'."

2. "This Council recommends to Government to take steps to encourage and develop the Ayurvedic system of medicine, and with that end in view, to establish an Ayurvedic medical college at a suitable centre."

3. "That the Honourable the President of this Council be requested to communicate to the family of the late Mr. C. R. Das, Mayor of the City of Calcutta and leader of the Swaraj party, its sense of profound grief at his sad and premature death and its high appreciation of his intense patriotism, his grit and tenacity of purpose, and his remarkable self-sacrifice in the cause of India."

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

1. "This Council recommends to Government to appoint a committee of officials and non-officials with a majority of the latter, to investigate into and to report on the grievances of the tenants of Khots in the Kolaba and Ratnagiri districts and to submit proposals for settling the disputes and differences existing between the Khots and their tenants."

Resolution by Dr. M. B. Velkar, M.L.C.

1. "This Council recommends to Government that the restrictions imposed on Vinayak Damodar Savarkar at the time of his release be withdrawn forthwith, and that he be restored to complete liberty."

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

1. "This Council places on record its sense of profound grief at the sudden and premature death of the late Deshbandhu C. R. Das, the leader of the Swaraj Party and its high appreciation of his intense patriotism, undaunted courage, remarkable power of organization, his unbounded self-sacrifice in the cause of India and his untiring efforts to win Swaraj."

2. "This Council recommerds to Government that major works of irrigation should be constructed in the famine-stricken areas of the Dharwar and Bijapur districts and that an adequate sum be set apart to investigate the possibilities of such schemes and to carry on preliminary survey and other operations."

3. "This Council recommends to Government that a Committee elected by the Council be appointed to investigate the economic condition of the agriculturists of this Presidency and to suggest measures for its improvement and that till its report is submitted to Government no bill of taxation be introduced as a result of the Taxation Committee's enquiries."

4. "This Council recommends to Government to represent to the Government of India the necessity of combining together into a separate and independent Province, the different parts of the Kanarese speaking territory in the Bombay and Madras Presidencies and of Coorg."

5. "This Council recommends to Government to strongly represent to the Government of India that, in order to develop the resources of the Karnatak and to bring together more closely the various parts of the Bombay Karnatak it is necessary to open new lines of Railway communications, viz. :—

- (a) Hubli—Sirsi—Kumtha,
- (b) Havanur—Haveri—Sirsi,
- (c) Mirag—Bijapur."

6. "This Council recommends to Government to take early steps for preventing the slaughter of cattle useful for both agriculture and milch purposes and to adopt means by protective and prohibitive measures to increase the existing stock of cattle in the Presidency."

7. "This Council recommends to Government to increase the scale of emoluments of Patils wherever they are low."

Resolutions by Mr. R. G. Soman, M.L.C.

1. "This Council recommends to Government to immediately sanction the opening of at least one school or college in this presidency for teaching the indigenous systems of medicine with a view to facilitate the supply of indigenous medicines through qualified hands to the village population in general at less cost."

2. "This Council recommends to Government that the scale of pay for primary teachers as laid down in the Sathe-Paranjpye scheme be brought into force from March 1923 and before their services are transferred to the various local boards in the presidency."

Resolutions by Mr. S. N. Angadi, M.L.C.

1. "This Council recommends to Government to re-impose tolls on the Imperial road passing through Satara and to hand over the income of these tolls together with the income of tolls on the provincial roads in the district to the district local board of Satara with an order to spend it on the improvement of village communications."

2. "This Council recommends to Government to establish an Anglo-vernacular school for girls in Belgaum, immediately."

Resolution by Mr. S. N. Athavle, M.L.C.

1. "This Council recommends to Government that the Indian Christian Community in the Karnatic be classed as a Backward Community having regard to their status in that province and that Government Resolution No. 2610 of the 5th February 1925, be amended so far as it affects that community."

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

1. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to enquire into the grievances and the present conditions of the aboriginal tribes in this presidency and to suggest means for their uplift and amelioration."

2. "This Council recommends to Government to abolish immediately the Engineering Service, namely, the Superintending Engineer, the Executive Engineer, etc., of the Forest Department of this presidency."

Resolution by Khan Saheb A. M. Mansuri, M.L.C.

1. "This Council recommends to Government that in each division of this presidency there should be at least one Mahomedan headmaster, one deputy educational inspector (in addition to one Urdu deputy) and three assistant deputy educational inspectors,"

Resolutions by Mr. Shankarrao Jayramrao Zunzarrao, M.L.C.

1. "This Council recommends to Government that they be pleased to appoint at an early date a committee with a non-official majority to enquire into the question whether hereditary village servants such as Patels, Mahars, Jaglas, Ramoshis and others, get proper remuneration in proportion to their services, and if necessary to suggest the steps that should be taken to ensure that they are paid a proper remuneration."

2. "This Council recommends to Government that they be pleased to take the road between Kalyan and Junnar, under their control, from that of the District Local Board, and to facilitate traffic by linking the road in Thala district with that in Poona district."

3. "This Council recommends to Government that they be pleased to construct bridges over the Ullhas river at Raita and Budlapur, in order to remove the great inconvenience to the traffic, consequent upon the recent discharge of water into that river by the Tata Company."

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

1. "This Council recommends to Government to re-impose tolls on the Imperial road passing through Satara and to hand over the income of these tolls together with the income of tolls on the provincial roads in the district to the district local board of Satara with an order to spend it on the improvement of village communications."

Resolution by Mukhi Jethanand Pritamdas, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Mr. Hoosainbhoy A. Lalljee, M.L.C.

1. "This Council recommends that the Governor in Council be pleased to communicate to the Bombay Port Trust authorities the urgent necessity of providing at least during the Haj season a fixed berth accommodation with a suitable shed having necessary sanitary arrangements and refreshment rooms and medical inspection rooms for the convenience of Hijis with separate arrangements for women and children accompanying them, who have to wait for hours before embarking on the steamers and before disembarking from the steamers and who have to suffer great hardships thereby.

2. "This Council recommends to Government that they be pleased to declare two days as public holidays for Ramzan Id."

3. "This Council recommends to Government that they be pleased to depute an educational expert or experts, preferably one having some knowledge of Arabic, Urdu and Gujarati, to Aden with the object of reviewing the present state of education in Aden and to report, after consultation with the Arabs and Indians there, on the advisability of reorganising the whole system of education as existing there at present, with a view to improving the efficiency and standard of education and affording more facilities for secondary education."

4. "This Council recommends to Government that with a view to give direct representation to the rate-payers of Aden on the Settlement Committee in their management of the Municipal affairs of the Aden Settlement, the Government be pleased to introduce a bill on the lines of the Bombay District Municipal Act, 1901, or the Cantonments Act, 1924, at an early date."

5. "This Council recommends to Government that in view of the enormous growth of trade of the port of Aden during the last twenty years and with a view to introducing the principle of representation on the board of the Aden Port Trust, they may be pleased to introduce a Bill on the lines of the Karachi Port Trust Act, 1886, to allow for the representation of the various interests in Aden by election."

6. "This Council recommends to Government that they be pleased to issue instructions to all the concerns managed by them not to purchase any Natal or South African coal."

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

1. "This Council recommends to Government to appoint a committee to inquire into the causes of the encroachments made by the sea on the western coast of the presidency and to suggest measures for the prevention thereof."

2. "This Council recommends to Government to be pleased to issue orders authorising the Mahomedans of the city of Bombay to perform their Id prayers on the Esplanade Maidan twice a year."

3. "This Council recommends to Government to declare two days as public holidays for Ramzan-Id."

4. "This Council recommends to Government to represent to the Government of India the necessity of amending the Bombay Electoral Rules by deleting Rule 6 (1) (b), which makes it incumbent on a candidate from a general constituency or of a division any part of which is included in that constituency to be a resident of that constituency for at least six months immediately prior to the nomination day."

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

1. "This Council recommends to Government to cancel the appointment of the 3 members nominated by them on the Surat City School Board."

2. "This Council recommends to Government that the 'Sathe Paranjpye' scheme of pay and promotion be put into effect in case of the primary teachers of the Bombay Presidency at an early date."

3. "This Council recommends to Government that all difficulties in the way of the cultivators in Surat District in sowing cotton seed No. Selection I-A be removed and they be freely allowed to sow this particular seed."

Resolutions by Mr. H. B. Shivdasani, M.L.C.

1. "This Council recommends to Government that for the better conduct of the criminal and revenue administration of the Bombay presidency the following changes should be made :—

(1) revenue officers should exercise no powers under the laws relating to crimes ;

(2) the prant officers, that is, sub-divisional officers, should be abolished, the Collector being given a personal assistant where necessary."

2. "This Council recommends to Government :—

(a) That an amount of Rs. 3,66,400 which represents the difference between the receipts from *himayat* assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, viz., Rs. 4,37,166, and the amount spent on the repair of those tanks in the same period, viz., Rs. 70,766, be spent in the next three years on the special repair of tanks in the Surat district ;

(b) that in future the amount spent in any year on the repair of tanks in a district should not be less than the amount realised as *himayat* (water-rate) assessment from the tanks of that district in that year."

3. "This Council recommends to Government to cancel the appointment of the settlement officer recently made for the revenue settlements of the Bardoli and Chikhli talukas in view of the amended form in which the resolution of Mr. R. G. Pradhan about revision settlements was carried by the Council directing that 'no revision be proceeded with and no new rates under any revised settlement be introduced till the said legislation is brought into effect'."

4. "This Council recommends to Government that Revenue Commissionerships be abolished."

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

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or

modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

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

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

2. "That in view of the ungenerous policy of Government towards the executive branch of the provincial civil service this Council recommends to Government that a large number of superior appointments should be forthwith thrown open to the members of the executive branch of the provincial civil service in accordance with the undertaking given by Sir William Vincent in reply to question No. 148 of Rai G. O. Nag Bahadur, M.L.A., on the 15th September 1921 in the Indian Legislative Assembly and in accordance with the recommendation of the Lee Commission."

Resolutions by the Thakor of Kerwada, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council to take early steps for preventing the slaughter of cattle useful for both agriculture and milch purposes and to adopt means by protective and prohibitive measures with a view to increasing the existing stock of cattle in the presidency."

2. "This Council recommends to Government that legislation be introduced to restore the provision in the District Local Boards Act of 1923 as regards the representation of inamdars on district and taluka local boards."

3. "This Council recommends to Government to appoint a committee of non-official and official members of the Council, with a non-official majority, to inquire into the workings of the Gujarat Talukdars Act, with a view to settling the fiscal relations between the talukdars and the Government and removing ambiguity in the village statistics and the village accounts by introducing new village forms for the talukdari estates, and to make recommendations as regards the repeal or amendment of the Gujarat Talukdars Act in the light of such inquiries."

4. "This Council recommends to Government that in view of repeated scarcity in many parts of Northern Gujarat an investigation be undertaken on scientific lines with the help of experts and such number of non-official members of the Council as the Government may deem necessary to consider the possibilities of irrigational projects by deep boring, construction of dams and barrage works on rivers like the Narbada and any other methods that may be suitable."

5. "This Council recommends to Government that the Government of India be moved to grant exemption to holders of entire inami and talukdari villages from the operation of the Indian Arms Act."

Resolutions by Mr. R. D. Shinde, M.L.C.

1. "This Council recommends to Government to reimpose tolls on the Imperial roads passing through the districts comprising the Central Division and to hand over the income of these tolls together with income of tolls on the provincial roads to the district local boards of the various districts in the Central Division with an order to spend this income on the improvement of village communications."

2. "This Council recommends to Government that a committee of officials and non-officials with non-official majority be appointed to inquire into the growing indebtedness of the agriculturists of the Deccan, to examine the working of the Deccan Agriculturists Relief Act with special reference to this question and to suggest means to ameliorate their economic condition."

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

1. "This Council recommends to Government to abolish the Khoti system in the Ratnagiri and Kolaba District."

2. "This Council recommends to Government to employ in all Government establishments natives of this Presidency in order to allay the present unemployment situation caused by the retrenchment orders."

3. "This Council recommends to Government to take steps to establish a fund called the Bombay Presidency Workmen's Welfare Fund with the co-operation of municipal and other local bodies and various kinds of employers in the presidency to be spent for the benefit of the workmen in organised industries by undertaking schemes for education, for recreation and for giving financial assistance during sickness, unemployment and such other difficulties."

4. "This Council recommends to Government to put a condition in the license granted to the Western India Turf Club that they should not open the third enclosure on the Race Course."

5. "This Council recommends to Government to appoint a committee of official and non-official members of the Council to enquire into the cause and extent of unemployment in Bombay and the steps taken by the Government and private bodies to alleviate its distress and to suggest ways and means of giving relief to the unemployed."

6. "This Council recommends to Government to reimpose tolls on the Imperial road passing through Satara and to hand over the income of these tolls together with the income of tolls on the provincial roads in the district to the District Local Board of Satara with an order to spend it on the improvement of village communications."

Resolution by Khan Sahib Karimbaksh Jatvi, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

Resolutions by Mr. L. B. Bhopatkar, M.L.C.

1. "This Council places on record its sense of profound grief at the sudden and tragic death of Deshbandhu Chittaranjan Das, Member of the Bengal Legislative Council, whose sacrifices and organising abilities in the cause of India's freedom in general and of the right constitution and growth of the Legislative Bodies in India in particular were unique and unparalleled in the modern history of India."

2. "This Council recommends to Government to appoint immediately a Committee with a non-official majority to enquire into the problem of the growing unemployment in the City of Bombay, and to suggest means to remove it."

3. "The Council recommends to Government that the scale of pay of Primary Teachers as laid down in the Sathe-Paranjpye Scheme be brought into force from March 1923 and before their services are transferred to the various Local Boards in the Presidency."

4. "This Council recommends to Government that in view of the fact that over eight years have passed since the application of the Town Planning Act to certain areas within the jurisdiction of the Poona City Municipality, steps should be immediately taken to complete at any cost the Bhambhurda Town Planning Scheme before the end of the year."

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

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire

question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions."

IX. PAPERS PRESENTED TO THE COUNCIL.

(1) Second Report of the Select Committee on Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay).

(2) Report of the Select Committee on Bill No. XXI of 1924 (A Bill to make better provision in the city of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles).

(3) Report of the Select Committee on Bill No. XXII of 1924 (A Bill to amend the Bombay District Police Act, 1890).

(4) Report of the Select Committee on Bill No. XXV of 1924 (A Bill further to amend the City of Bombay Municipal Act, 1888).

(5) Report of the Select Committee on Bill No. I of 1925 (A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918).

* (6) Resolution of Government in the Finance Department No. L-395, dated the 22nd May 1925, regarding the employment of the inhabitants of the Presidency in public service.

* (7) Resolution of Government in the Finance Department No. L-361, dated the 30th June 1925, regarding the grant of tagaviadvance loans to cultivators for sinking wells.

* (8) Proceedings of the meeting of the Finance Committee for the month of February 1925.

APPENDIX TO THE AGENDA.**NOTICE OF MOTION TO AMEND STANDING ORDERS.****MOTION No. I of 1925.**

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

I. In Chapter IV, Standing Order 4, sub-clause (2) add the words "or a motion" after the word "resolution" and add the words "or to the next session" after the word "business".

II. In Chapter IX, Standing Order 3, add the words "the member in charge" after the words "Deputy President" and substitute the word "six" for the word "seven".

Monday, the 20th July 1925.

The Council met at the Council Hall, Poona, on Monday the 20th July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJBAT KHAN, Mr.
 ABDULPURKAR, Mr. N. A.
 ABERCROMBIE, Mr. J. R.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFIUDDIN
 ATHAVLE, Mr. S. N.
 BARLEE, Mr. K. W.
 BHOPATKAR, Mr. L. B.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DEHLAVI, the Honourable Mr. A. M. K.
 DELVES, Mr. R. H. A.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DIXIT, Dr. M. K.
 FRAMJI, Mr. K. S.
 GHOSAL, Mr. J.
 GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
 GRANTHAM, Mr. V. A.
 GUNJAL, Mr. N. R.
 HAMID M. ABDUL ALI, Mr.
 HATCH, Mr. G. W.
 HAYWARD, the Honourable Sir MAURICE
 HEPFER, Sir LAWLESS
 HOTSON, Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JAYAKAR, Mr. M. R.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.
 JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KAMBLI, Mr. S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KOTHARI, Mr. V. R.
 LALLJEE, Mr. HOOSEINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.

LAWRENCE, the Honourable Mr. H. S.
 MADAN, Mr. J. A.
 MALJI, Rao Bahadur A. U.
 MANSURI, Khan Sahab A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MIRAMS, Mr. A. E.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Mr. A. F. I. K.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SARDESAI, Mr. S. A.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

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

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

The Honourable Mr. Lalubhai Saraldas.

Mr. F. W. Petch.

Mr. J. R. Abercrombie.
 Mr. N. N. Wadia.
 Mr. A. E. Mirams.
 Mr. G. W. Hatch.
 Mr. K. W. Barlee.
 Mr. Hamid M. Abdul Ali.

The Honourable the PRESIDENT: The next business on the agenda is nomination of four chairmen, and I nominate the following four honourable members to serve as chairmen for this session:—

Mr. V. A. Grantham,
 Mr. G. B. Pradhan,
 Mr. A. F. I. K. Pathan, and
 Mr. N. N. Wadia.

Questions.

YEARLY NUMBER OF HOUSE-BREAKING AND THEFTS FROM 1920 TO 1925.

Mr. ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Will Government be pleased to state—

- (a) the yearly number of offences of house-breaking and theft detected during the years (1920-21 to 1924-25) ?
 (b) the amount of property stolen and recovered ?

The Honourable Sir MAURICE HAYWARD: The attention of the honourable member is directed to statements A, parts I and II, and C in the annual police reports of the Bombay presidency, including Sind and Railways, for the years 1920 to 1923. The information for 1924 is not yet available.

SHOLAPUR INCOME TAX OFFICE.

Mr. ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): (a) Will Government be pleased to state whether they are aware that great inconvenience is caused to the public of Sholapur by the Income Tax Office being located at a long distance from the city ?

- (b) If so, do Government intend to take steps in the matter ?

The Honourable Mr. H. S. LAWRENCE: As income tax is a Central subject, the honourable member is referred to the Government of India.

Mr. G. I. PATEL: Is the location of an office a central subject ?

The Honourable Mr. H. S. LAWRENCE: It is in the hands of the Government of India.

WATER SUPPLY FOR IRRIGATION IN SHOLAPUR.

Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state what action they propose to take in the matter of the supply of water for irrigation in the Sholapur taluka and Sholapur town where it has been deficient or not available at all ?

The Honourable Mr. COWASJI JEHangIR: Government have under their consideration a proposal to construct a new tank in addition to the existing Ekruk tank at Sholapur so as to be able to supply, as far as possible, water for non-irrigational and irrigational purposes in Sholapur town and Sholapur taluka, respectively.

COMPARATIVE CLAIM OF SIND TO EDUCATIONAL GRANT.

Mr. D. B. ADWANI (Karachi City): (a) Will Government be pleased to state whether they are aware (1) that the population of Sind is about one-fifth of that in the presidency proper, while the number of pupils in Sind in arts colleges in 1922 was only 1/13 of that in the presidency proper, (2) that the provincial expenditure on arts colleges in Sind in 1922 was less than 1/21 of that in the presidency proper, being only Rs. 23,196 as against Rs. 4,97,825 in the presidency proper, and (3) that the proper share of Sind on the population basis works out at Rs. 86,837?

(b) If so, are they aware of the general impression in Sind that its educational interests do not receive due consideration from Government; if so, do they intend to take any action in this connection?

The Honourable Mr. B. V. JADHAV: (a) The reply to this part of the question is in the affirmative. It should however be noted that the main reason why comparatively little is spent on arts colleges in Sind is that few Mahomedans continue their education so far. There are 430 Hindus and only 80 Mahomedans in arts colleges in Sind plus 53 Sindhi Hindus and 13 Mahomedans in arts colleges in the presidency. On a population basis there ought to be over 1,300 Sindhi Mahomedans in art colleges, and if this were so the number of pupils and the expenditure on art colleges in Sind would be at least proportionate to what they are in the presidency.

(b) Until the report of the University Reform Committee has been received and considered by Government and the policy to be adopted regarding higher education in Sind has been definitely settled, it is not possible to take any action.

Mr. D. B. ADWANI: Is it the policy of Government to give grants to colleges in proportion to the number of students belonging to the different communities?

The Honourable Mr. B. V. JADHAV: The grants are given under the rules and not in proportion to the number of students.

Mr. D. B. ADWANI: The Honourable Minister states in his reply "On a population basis there ought to be over 1,300 Sindhi Mahomedans in art colleges, and if this were so the number of pupils and the expenditure on art colleges in Sind would be at least proportionate to what they are in the presidency." He has brought in the number of students belonging to the communities in Sind.

The Honourable Mr. B. V. JADHAV: I am sorry the answer was not explicit enough, but the point is that so few Mahomedans continue their education up to the matriculation and so few attend a college that the

total number there is very small, and on that account the expenditure on higher education in Sind is much smaller than it ought to be.

UNITS OF TERRITORIAL FORCE IN THE PRESIDENCY.

* Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) The total number of units of the Territorial Force in the presidency.

(b) The total number of persons constituting the said units according to the communities to which they belong ?

(c) The places where the said units are located ?

(d) Will Government be pleased to lay on the table all the Government notifications and resolutions issued by the Government of Bombay or the Government of India regarding the formation of the Territorial Force ?

The Honourable Sir MAURICE HAYWARD : (a) Four.

		(b) 11th/2nd Bombay.	} All Parsis.
Pioneers ..	..	658	
Pioneers ..	..	12th/2nd Bombay.	} 401
		..	

1st Bombay Battalion, University Training Corps.

Hindu Brahmins ..	..	..	..	482
Hindu Lingayets ..	..	..	..	31
Parsis ..	..	..	..	53
Christians ..	..	..	..	37
Jews ..	..	..	..	4
Sikhs ..	..	..	..	1
Bhuddists ..	..	..	..	3
Mahomedans ..	..	..	..	20
				631

11th/5th Mahratta Light Infantry.

Dekhani Mahrattas ..	..	..	..	276
Mahrattas ..	..	..	..	6
Kokani Mahrattas ..	..	..	..	46
Musalmanas ..	..	..	..	30
Bhandari, Devli and Namdhari ..	..	..	..	56
Brahmins ..	..	..	..	28
Jains ..	..	..	..	8
Telegu ..	..	..	..	6
Christians ..	..	..	..	53
Lingayets ..	..	..	..	3
				512

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(c) *11th/2nd Bombay Pioneers.*

Headquarters	..	..	Bombay
<i>12th/2nd Bombay.</i>			
Headquarters	..	..	Poona.
			Bombay
			Bhusawal.
			Bulsar.
			Navsari.
Detachments	..	..	Surat.
			Broach.
			Ankleswar.
			Bilimoria.
			Ahmedabad.
			Godhra.
1st Bombay Battalion University Training Corps, Headquarters.			Kirkee
			Bombay.
Detachments	..	..	Sangli.
			Dharwar.

11th/5th Mahratta Light Infantry.

Headquarters Belgaum.

(d) Government regret they cannot comply with a general requisition of this nature but they will gladly give any particular information required by the honourable member. His attention is in particular invited to the Rules under the India Territorial Force Act, 1920, printed at pages 1971—1980 of Part I of the *Bombay Government Gazette*, dated the 25th August 1921.

PUBLIC HEALTH LABORATORY, KARACHI.

Mr. L. B. BHOPATKAR (Poona City): Will Government lay on the table the opinions of the Commissioner in Sind and the Surgeon General to the Government of Bombay, regarding the work and the advisability of continuing the public health laboratory at Karachi?

The Honourable Mr. B. V. JADHAV: No. Government cannot lay on the table the opinions of their officers received in the course of official correspondence.

STAFF ON THE DREDGER 'KALU'.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) Whether a double shift staff is being maintained on the dredger 'Kalu'?

(b) If so, is double shift staff fully occupied?

(c) How many hours is the dredger in question working during the day?

The Honourable Mr. COWASJI JEHangIR : (a) No.

(b) In view of the reply to (a) this does not arise.

(c) The dredger works four to five hours a day during favourable tides.

HINDU BACKWARD CLASSES CLERKS AND TEACHERS IN BOMBAY MUNICIPALITY.

* Mr. S. K. BOLE : Will Government be pleased to state the total number of clerks and teachers in the Bombay municipality respectively and how many of them belong to the Hindu backward classes ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

Total number of clerks employed.	Number of clerks of the Hindu Backward Classes.
855	69
Total number of teachers.	Number of teachers of the Hindu Backward Classes.
1,772	184

HINDU BACKWARD CLASS CANDIDATES FOR POLICE TRAINING SCHOOL, NASIK.

* Mr. S. K. BOLE : Will Government be pleased to state—

(a) the caste and qualifications of candidates selected by the Inspector General of Police for admission into the police training school at Nasik at the last selection ;

(b) the number of Hindu backward class candidates and their qualifications that applied for admission ?

The Honourable Sir MAURICE HAYWARD : (a) The caste and qualifications of candidates selected by the Inspector General of Police for admission into the police training school at Nasik at the last selection held in November 1924 are as under :—

	Outsiders.	Head Constables.	Qualifications of outsiders.
Mahomedans ..	7	1	4 Matriculates, 1 U. S. F. 2 Over 3 years' service in other departments.
Brahmins ..	2	1	2 Matriculates.
Sali ..	1	..	VI standard (not qualified).
Marathas ..	1	3	1 Matriculate.
Bhandari ..	..	1	..

(b) Applications were received from 82 candidates belonging to Hindu backward communities of whom 47 were educationally qualified.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

SCHOLARSHIPS IN COLLEGES AND HIGH SCHOOLS FOR HINDU
BACKWARD CLASS STUDENTS.

* Mr. S. K. BOLE: Will Government be pleased to state the number of scholarships reserved in colleges and high schools for the Hindu backward class students and how many of them have been awarded.

The Honourable Mr. B. V. JADHAV: The accompanying statements† containing the information required are laid on the Council table.

HISTORICAL MUSEUM, SATARA.

* Mr. S. K. BOLE: Will Government be pleased to state—

(a) whether any grant is given by them to the Historical Museum at Satara;

(b) if so, what the conditions are;

(c) whether the Museum is open to the public for certain hours on all days or the time is liable to be changed from time to time?

The Honourable Mr. B. V. JADHAV: (a) and (b) These parts are already answered.

(c) The Museum is open to the public from 12 noon to 4 p.m. on office days and from 12 noon to 2 p.m. on Saturdays. It is closed on Sundays and public holidays. The time is subject to change for the sake of convenience on special occasions.

Mr. S. K. BOLE: Is it not necessary to look to the inconvenience caused to people who come there from long distances?

The Honourable Mr. B. V. JADHAV: I think if proper representation is made to the Trustees, they will look into the matter.

Rao Saheb D. P. DESAI: May we have a general idea as to whether it is a Natural History Museum or a Museum of Painting and so on? What kind of a museum is it?

The Honourable Mr. B. V. JADHAV: I recommend the honourable member to pay a visit to the Museum and find out for himself.

COUNTRY CRAFTS.

* Sir VASANTRAO A. DABHOLKAR: (a) Will Government be pleased to state whether it is a fact that for want of lights some country crafts were sunk by ferry boats on the Konkan line?

(b) How many prosecutions were undertaken against country crafts plying without lights at night?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The only instance in which a country craft was reported to be sunk for want of lights by a passenger steamer is the one in which the Bombay Steam Navigation Company's steamer "*Rukmavati*" collided off Boria on the evening of 24th November 1924 with Cotia "*Rilla Bukhary*".

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† Vide Appendix No. 1.

(b) No prosecutions have been instituted against ships for travelling without lights, but 11 were prosecuted in 1921 and 6 in 1923 for riding at anchor in harbour without lights.

Sir VASANTRAO A. DABHOLKAR : May I know from the Honourable the Revenue Member what he means by "collided off Boria" ? Was it in the high seas or within the harbour limits ?

The Honourable Mr. LALUBHAI SAMALDAS : While moving on the sea.

Sir VASANTRAO A. DABHOLKAR : As regards answer to (b), are we to understand that Government encourage ships to travel without lights ?

The Honourable Mr. LALUBHAI SAMALDAS : I hope the honourable member understands how difficult it is to catch masters of ships moving without lights and to bring them before magistrates. It is practically impossible to do so when they are moving.

Sir VASANTRAO A. DABHOLKAR : Is the Honourable the Revenue Member aware of the s.s. "Rupavati" striking against a rock when trying to save a boat travelling without a light ?

The Honourable Mr. LALUBHAI SAMALDAS : No, I ask for notice.

RETIREMENTS AND APPOINTMENTS OF THIRD YEAR TRAINED TEACHERS IN GUJARAT.

*Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state how many third year trained teachers have retired in 1923-24 and during the current year in Gujarat and how many new third year trained men have been newly appointed during these years ?

Will Government be pleased to give also similar figures for second year trained teachers during the same period in the Northern Division ?

The Honourable Mr. B. V. JADHAV : The accompanying statement† furnishing the information required is placed on the Council table.

PRIMARY SCHOOLS FOR BACKWARD CLASSES IN GUJARAT DISTRICTS.

*Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state how many special and central primary schools for backward classes are in existence in each of the Gujarat districts and the year in which they were opened ?

(b) Are the Government aware that there are no such schools in the Ahmedabad district and only one in the Kaira district ?

(c) Will Government be pleased to state whether there are any such central schools for depressed classes in Gujarat ?

The Honourable Mr. B. V. JADHAV : (a) The accompanying statement‡ gives the required information.

(b) Yes.

(c) No.

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

†Vide Appendix No. 2.

‡Vide Appendix No. 2.

Mr. G. I. PATEL: Regarding (b) do Government intend to open such schools in the Ahmedabad and Kaira Districts?

The Honourable Mr. B. V. JADHAV: (Inaudible).

SCIENCE TEACHING IN SECONDARY SCHOOLS.

*Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state how many recognised grant-in-aid and Government secondary schools are there where science is taught in this presidency and how many of them were visited by the inspector of science teaching in the year 1923-24 and during the current year?

The Honourable Mr. B. V. JADHAV: The accompanying statement† gives the information required.

INSPECTOR OF DRAWING AND CRAFTWORK.

*Rao Saheb D. P. DESAI (Kaira District): (1) Will Government be pleased to state what are the qualifications of the present inspector of drawing and craftwork and what are his duties? Is he a practising artist? What salary and allowances does he draw?

(2) Will Government be pleased to state what is meant by the words "craftwork" contained in the designation of the inspector of drawing and craftwork?

The Honourable Mr. B. V. JADHAV: (1) The post of inspector of drawing and craftwork is at present held by Mr. R. A. Hoggarth. He received his university education at the Royal College of Art, South Kensington, London, S.W., where he obtained the Diploma of the Royal College of Art in the School of Design. He also went through the "special course" for teachers at the Royal College of Art. He was a Senior Art Master at the School of Art, Bath. He was articled draughtsman in the Drawing Office of the Albion Cabinet Works, Bath. He taught Art subjects and supervised the craft classes, wood-carving, metalwork, cardboard work and clay modelling as senior Art Master at the Whitgift Middle School, Croydon. He was also a senior Art Master at the Khedivieh Secondary School, Cairo. He was, besides, Examiner of Drawing under the Ministry of Education, Egypt, and a Member of the Commission for the organization of the Government Examinations held by the Egyptian Ministry of Education.

The inspector of drawing is responsible for the inspection and administration of all drawing classes in primary and secondary schools and has to organize all art examinations. He is a member of the examination board which conducts such examinations. He is also appointed a visitor to the normal school of the Sir J. J. School of Art.

He is not a practising artist in the sense that he does not produce works of art for sale.

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

†Vide Appendix No. 4.

His pay on 1st January 1925, including allowances, was Rs. 1,300 per mensem (Rs. 1,050 pay *plus* Rs. 250 overseas pay). In addition to pay, he gets compensatory allowance at the rate of Rs. 300 per mensem for six months during the year.

(2) The word "craftwork" covers such industrial arts and handicrafts as wood lacquer work, gold and silver work, cloth printing, wood carving, ivory carving, pottery, basket-making, inlaying work, etc.

Rao Saheb D. P. DESAI : Is the Royal College of Art, South Kensington, a University ?

The Honourable Mr. B. V. JADHAV : It is a college.

Rao Saheb D. P. DESAI : Then why do Government say "he received his university education at the Royal College of Art, South Kensington" ?

The Honourable Mr. B. V. JADHAV : (Inaudible).

MOULVI RAFIUDDIN AHMAD : May I ask if the number of qualifications of Mr. Hoggarth mentioned in the reply represent any degrees or diplomas ?

The Honourable Mr. B. V. JADHAV : Mr. Hoggarth has been already in the service for a long time now and these are the qualifications which he holds.

Rao Saheb D. P. DESAI : Is the Royal College of Art a school under the Royal Academy ?

The Honourable Mr. B. V. JADHAV : It is I think affiliated to the London University.

Rao Saheb D. P. DESAI : The reply says he is not a practising artist in the sense that he does not produce works of art for sale. In what sense is he an artist ?

The Honourable Mr. B. V. JADHAV : In the sense that he does not produce works of art for sale.

Rao Saheb D. P. DESAI : Was he a student of the Royal Academy which turns out practising artists ? Is he an artist at all ?

The Honourable Mr. B. V. JADHAV : I will require notice.

Mr. M. R. JAYAKAR : Has he produced works of art either for sale or otherwise ?

The Honourable Mr. B. V. JADHAV : I have no information on that point.

Mr. D. B. ADWANI : Is he an artist at all ?

The Honourable Mr. B. V. JADHAV : (No reply.)

NATURE OF CRAFT WORK INSPECTED BY THE INSPECTOR OF DRAWING AND CRAFT WORK.

*Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state (a) the nature of craft work inspected by the inspector of drawing and craftwork ; and

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(b) the places where it is taught ?

The Honourable Mr. B. V. JADHAV : (a) Such industrial arts or handicrafts as wood lacquer work, gold and silver work, cloth printing, carving, sandal wood carving, ivory carving, pottery, basket-making, inlaying work, etc.

(b) In the villages or towns in which the craft is carried on.

(2) In the Reay Art Workshops attached to the Sir J. J. School of Art, Bombay.

In the technical or industrial schools a little wood carving, inlaying or pierced work in wood is done (e.g., V. J. Technical School, Poona, the King Edward VII Technical School, Dhulia, and the School of Industry, Ratnagiri).

(3) In primary schools under the new syllabus the handwork to be taught will, in many cases, be the local crafts or cottage industries.

DUTIES OF THE INSPECTOR OF DRAWING AND CRAFT WORK.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) what were the duties originally assigned to the present inspector of drawing and craftwork ;

(b) what changes have since been made in his position ;

(c) and the reasons for the changes ?

The Honourable Mr. B. V. JADHAV : (a) The duties originally assigned to the present inspector of drawing and craftwork were as under :—

“ That he will visit Government and aided schools, inspect and examine the drawing classes in such schools, give advice to the drawing teachers, report regularly to Government upon the progress of the classes and the efficiency of the teachers and organise the drawing and art examinations. He will be subordinate to the Principal of the School of Art.”

(b) While at first he worked directly under the Principal, Sir J. J. School of Art, Bombay, in all matters, he now works directly under the Director of Public Instruction in all matters relating to the inspection and administration of drawing classes in the primary and secondary schools except those arising out of the administration of those classes which affect the teaching of art in this presidency.

(c) Administratively this was a more convenient arrangement.

Rao Saheb D. P. DESAI : How was it administratively a more convenient arrangement ? What was the inconvenience in his being attached under the Principal, School of Art ?

The Honourable Mr. B. V. JADHAV : He is now directly subordinate to the Director of Public Instruction, because his duty consists of visiting

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

drawing classes in schools and inspecting their work, and therefore it has been found administratively more convenient to have Mr. Hoggarth directly subordinate to the Director of Public Instruction and not to the Principal, School of Art.

Rao Saheb D. P. DESAI : Who is the superior officer who supervises the work done by Mr. Hoggarth himself ? Whose duty is it to ensure that Mr. Hoggarth does his work properly ?

The Honourable Mr. B. V. JADHAV : The Director of Public Instruction is satisfied with his work.

Rao Saheb D. P. DESAI : Does the Director of Public Instruction know art ?

(No reply.)

Mr. M. R. JAYAKAR : Has the Honourable the Minister of Education ever had a chance of looking at his work ?

The Honourable Mr. B. V. JADHAV : No.

Mr. D. B. ADWANI : Has Mr. Hoggarth ever favoured Sind by inspecting drawing classes in Sind at any time ?

The Honourable Mr. B. V. JADHAV : I have nothing further to say.

CO-ORDINATION OF WORK BY PRINCIPAL OF THE SCHOOL OF ART AND THE CONSULTING ARCHITECT TO GOVERNMENT.

*Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether the Principal, School of Art, and the Consulting Architect to Government work in co-ordination ?

(b) If so, how often was the advice of the Principal obtained by the Consulting Architect to Government ?

The Honourable Mr. B. V. JADHAV : (a) Although the Consulting Architect to Government and some members of his staff lecture at the School of Architecture there is no official connection between the office of the Consulting Architect to Government and the School of Art.

(b) This question does not arise.

Rao Saheb D. P. DESAI : Is the Honourable the Minister of Education aware that His Excellency once in his speech declared that there should be coordination between the several branches of art, for example, architecture, painting and all sorts of art ?

The Honourable Mr. B. V. JADHAV : I have read that speech.

Rao Saheb D. P. DESAI : Do Government intend to carry out the suggestion made by His Excellency in that speech ?

The Honourable Mr. B. V. JADHAV : Government will consider that suggestion.

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

WATER SUPPLY FOR DOMESTIC PURPOSES IN DHANDHUKA TALUKA.

* Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) What steps they propose to take for improving the supply of water for domestic purposes in the Dhandhuka taluka ?

(b) Whether it is true that people have to go a long way to get water ?

The Honourable Mr. B. V. JADHAV: (a) The only part of the taluka where there is a real shortage of water for domestic purposes is the Bhal tract. The question of improving the water supply in this tract is under consideration. In some of the worst villages a good deal of work for deepening tanks has been done and such work will be continued as funds permit.

(b) In some places the tanks are situated at some distance from the villages, but it is not correct that people have to go a long way to get water.

BOUNDARY STONES IN KAIRA DISTRICT.

* Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state at what price the boundary stones in the Kaira district are purchased by Government at present and at what price they were purchased during the last year ?

(b) Will Government be pleased to state at what charge the boundary stones mentioned above are supplied to the cultivators and at what charge they are put up at the boundary of the fields ?

The Honourable Mr. LALUBHAI SAMALDAS (a) At Re. 0-9-6 per stone after 1st August 1923 and Re. 0-8-6 before that date. Contractors supply these stones at the railway stations only. These have therefore to be carried to depots at Government cost. Adding the charges for unloading stones at the stations and conveying them to the depot, including breakages, the estimated cost to Government comes to Re. 0-15-0 per stone.

(b) Re. 0-15-0. The rate charged from cultivators for putting up a new stone mark at the field boundaries is Re. 1-8-0 per stone which is the actual cost to Government.

Rao Saheb D. P. DESAI: It is stated in the answer that the cost to Government come to 15 as. per stone and that for putting the stone in order comes to Re. 1-8-0. There is a lot of profit made, about 9 as.

The Honourable the PRESIDENT: The honourable member is arguing.

Rao Saheb D. P. DESAI: May I know whether Rs. 1-8-0 is the actual cost to Government ? Neither more nor less ?

The Honourable Mr. LALUBHAI SAMALDAS: If the honourable member refers to the reply given, he will find that the actual cost is given as Re. 1-8-0.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

Rao Saheb D. P. DESAI : Neither more nor less ?

The Honourable Mr. LALUBHAI SAMALDAS : No.

Rao Saheb D. P. DESAI : How is it arrived at ?

The Honourable Mr. LALUBHAI SAMALDAS : That is the average.

Mr. G. B. PRADHAN : Is Rs. 1-8-0 the actual cost irrespective of the distance to which the stones are to be carried ?

The Honourable Mr. LALUBHAI SAMALDAS : The honourable member in his clause (b) of the question asks for the actual cost. At the time when the figure was asked for the reply is Rs. 1-8-0.

Mr. G. B. PRADHAN : Are different rates charged for different cultivators ?

The Honourable Mr. LALUBHAI SAMALDAS : I ask for notice.

Mr. J. C. SWAMINARAYAN : It is stated in answer to (b) that the rate at which boundary stones are charged is Re. 0-15-0. Cannot Government allow cultivators to put the boundary stones in their fields ?

The Honourable Mr. LALUBHAI SAMALDAS : We have no objection.

ADVANTAGES TO ZAMINDARS UNDER FALLOW RULES.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) what advantages the Sind zamindars enjoy as regards land revenue under the Fallow Rules ;

(b) whether it is a fact that they have to pay assessments for one third of the lands owned by them ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Under the Fallow Rules Sind zamindars are exempted from the payment of land revenue on Survey numbers which are not cultivated, subject to the proviso that such numbers as are not cultivated for four consecutive years are liable to assessment in the fifth year whether cultivated or not.

(b) No.

FALLOW RULES CONCESSIONS TO AREAS IRRIGATED BY SUKKUR BARRAGE.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state whether areas to be irrigated by the Sukkur Barrage canals will be subject to the advantages or concessions under the Fallow Rules enjoyed by the Sind zamindars ?

The Honourable Mr. LALUBHAI SAMALDAS : The question has not yet been considered by Government as it will not arise for about 5 years more.

* This question was asked at the meeting held in February-March 1925, when an interim reply was given.

Rao Saheb D. P. DESAI : How was it then that a revenue forecast was prepared by the revenue officers ?

The Honourable Mr. LALUBHAI SAMALDAS : I ask for notice.

FOREST AREAS AT ZANKHARIA.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) the area under forest in Zankharia, Vada talav, and in the villages within 6 miles of it ;

(b) the expenditure and receipts to the Forest Department for maintaining these areas ; and

(c) whether these areas grow timber ?

The Honourable Mr. A. M. K. DEHLAVI : (a) 3,662 acres 30 gunthas.

(b) Expenditure Rs. 135. Receipts Rs. 2,549-14-11.

(c) No.

Rao Saheb D. P. DESAI : Is it true that Government are thinking of establishing a Government farm on that land ?

The Honourable Mr. A. M. K. DEHLAVI : Government have not thought of it.

Rao Saheb D. P. DESAI : Is there any correspondence ?

The Honourable Mr. A. M. K. DEHLAVI : I ask for notice.

APPLICATIONS FOR CULTIVATION OF FOREST LAND NEAR ZANKHARIA.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether applications from cultivators and others were received by them for giving the lands mentioned in question No. 66 in the Panch Mahals district for cultivation ;

(b) if the reply be in the affirmative, what the highest value offered in lump or per acre for the Zankharia and other neighbouring plots by the applicants was ;

(c) whether these applications were received by the Commissioner, N. D., or the Collector of Panch Mahals ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) Most of the applicants said that they would pay the price fixed by Government. There was one applicant who had offered Rs. 70,000 for the whole village of Zankharia including forest land and one other who said he would pay four times the assessment.

(c) Many of the applications were addressed to the Collector of the Panch Mahals and a few to the Commissioner, N. D.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

RIGHT TO FISHING IN RIVERS SOLD BY AUCTION.

* Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) How many dams are there on the rivers Puzara, Kan and Burai in West Khandesh ?

(b) Whether it is true that the right to fishing over 500 feet on the upper side of each such dam is sold by auction every year ?

(c) What was the amount realised in the year 1923-24 on account of these auction sales in connection with the said three rivers ?

(d) Whether it is true that in order to attract fish, the auction purchasers put in the water of the rivers twigs of buckthorn (बुर) olicakes of various seeds such as *karanji* and *tolambi* and branches of other trees, and thus spoil the water of those rivers and render it injurious to the people who have necessarily to use it for drinking purposes ?

(e) Whether similar fishing rights are sold by auction throughout the presidency ?

(f) If so, what is the total amount realised in the whole presidency ?

(g) Under what head of receipts is this income shown in the Blue-Book of the budget ?

The Honourable Mr. A. M. K. DEHLAVI :

(a) Puzara	..	..	..	47
Kan	..	..	..	26
Burai	..	..	..	14
				—
			Total	87

(b) The right of fishing on the upper side of 46 dams only out of the 87 dams mentioned above is sold by auction every year.

(c) Rs. 85-4-0.

(d) As regards 45 dams in Sakri taluka a condition is invariably inserted in the memorandum of conditions of sale, that no poisonous thing should be used in catching fish and this condition is generally observed.

(e) Yes.

(f) The total amount realised from sale in the year 1923-24 was Rs. 1,72,051.

(g) The receipts amounting to Rs. 1,32,243 realised from the sale of fishing rights in the River Indus were credited to Local Funds and were shown in the Local Board accounts under the head I—Land Revenue—Sub-head "Fishery". The receipts credited to Government amounted

* This question was asked at the meeting held in July 1924, when an *ad interim* reply was given.

to Rs. 39,803-0-0. The budget heads to which the receipts were credited are given below :—

Budget head.	Amount.		
	Rs.	a.	p.
V—Land Revenue	7,745	0	0
XIII—Irrigation, Navigation, Embankment and Drainage Works for which capital accounts are kept	28,314	0	0
XIV—Irrigation, Navigation, Embankment and Drainage Works for which no capital accounts are kept	3,744	0	0
	<u>39,803</u>	<u>0</u>	<u>0</u>

PRESERVATION OF A STONE INSCRIPTION AT PATAN.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) whether they are aware that there is a big stone inscription, over seven hundred years old, of the Shaka year 1128, fixed in the outer wall of an equally old temple at Patan, a deserted village in Chalisgaon taluka, East Khandesh;

(b) whether they are aware that at one time an attempt was made to preserve the inscription by erecting over it a wooden structure like a bonnet to protect it from sun and rain under the Ancient Monuments' Preservation Act of 1904;

(c) whether they are aware that that structure has disappeared and the inscription is again exposed to sun and rain;

(d) do Government intend to take any action in the matter?

The Honourable Mr. COWASJI JEHANGIR: (a) Yes, but the stone inscription fixed in the wall of the temple of Ai Bhavani did not originally belong to the temple.

(b) No. Government are not aware when and by whom the attempt was made to preserve the inscription.

(c) Yes.

(d) Yes. Steps will be taken after local enquiries have been made in the matter and the sanction of the Director General of Archæology in India has been obtained.

RAILWAY STATION AT NAVAPUR ON THE TAPTI VALLEY RAILWAY.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state why the railway station at Navapur in the West Khandesh district has been located at a distance of about two miles from the village of Navapur although the Tapti Valley Railway line passes within a furlong from the village?

The Honourable Mr. LALUBHAI SAMALDAS: So far as can be ascertained, the site of the railway station at Navapur was selected in consultation with the inhabitants of the place, who agreed to its location, so long ago as 1899.

Mr. H. H. NARIELVALA : Are Government aware that the people have to cross a river which is often times flooded in the monsoon ?

The Honourable Mr. LALUBHAI SAMALDAS : I ask for notice ?

Mr. H. H. NARIELVALA : Is it now impossible to change the station ?

The Honourable Mr. LALUBHAI SAMALDAS : The honourable member may move a resolution.

RAILWAY STATION AT BETAVAD ON THE TAPTI VALLEY RAILWAY.

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state why the railway station at Betavad in West Khandesh district was originally located at a distance of about five miles from Betavad although the Tapti Valley Railway line passed within a mile by the side of Betavad ?

The Honourable Mr. LALUBHAI SAMALDAS : So far as can be ascertained the site of the railway station at Betavad was selected after considering the interests of all concerned in 1898.

RE-ORGANIZATION OF THE BOMBAY EDUCATIONAL SERVICE.

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state —

(1) Whether they have appointed an officer to re-organize the Bombay Educational Service ?

(2) If so, whether they have given him any instruction or laid down any rules of action for such re-organization ?

The Honourable Mr. B. V. JADHAV : (1) An officer has been placed on special duty in connection with the re-organization of the educational services in this presidency and not only Bombay Educational Service.

(2) No.

NUMBER OF ELECTORS IN DIFFERENT CONSTITUENCIES.

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state what was the total number of electors and the number of electors that came to vote in each of the following non-Muhammadian rural constituencies at the time of the last election of 1923 :—

The districts of Ahmedabad, Broach, Kaira, Panch Mahals, Surat, Ahmednagar, Nasik, Poona, Satara, Belgaum, Bijapur, Dharwar, Kanara, Ratnagiri, Sholapur and Kolaba.

The Honourable Sir MAURICE HAYWARD : A statement* giving the required information is laid on the table.

MOTOR CAR SERVICE IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to supply the following information for the year ending 31st March 1924 regarding the motor car service in the Poona district ?

*Vide Appendix No. 5.

(1) Names of persons or companies who drive motor cars for hire at present from Talegaon to Khed and Junnar and from Poona to Khed, Junnar, Mulshi, Ghadundi, Nagar, Wai, Suswad, Bhore and Alandi in the Poona district.

(2) Rules sanctioned by Government relating to

(a) supervisor over fitness of such cars used as public conveyances ;

(b) maximum number of passengers and weight of baggage to be conveyed in each car ;

(c) the fares to be charged between different places ;

(d) the tolls and ferry charges to be paid by loaded and empty cars.

(3) The number of persons who died or were seriously injured by accidents on the abovenamed motor services.

(4) The number of criminal prosecutions instituted in connection with such accidents by Government or private persons and the results of the same.

The Honourable Sir MAURICE HAYWARD : The information has been obtained and it will be shortly given to the honourable member.

INCONVENIENCES TO TRAVELLERS.

Mr. N. R. GUNJAL (Poona District): (1) Are Government aware about the inconveniences caused to travellers owing to the very bad condition of the

(a) road from Chakan to Talegaon ;

(b) causeway over river Indrayani near Moshi ;

(c) ferry service on the river Kukdi near Pimpalwadi in the Poona district.

(2) Will Government be pleased to state whether they intend to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) The road from Talegaon to Chakan is under repairs and extensive improvements are being carried out to make it fit for the heavy motor traffic.

(b) A portion of the paving and downstream face walls were washed away last monsoon. The damage has since been repaired.

(c) So far no complaints have been received regarding the ferry service.

MURDER OF SANTOO, SON OF MAROOTI GODAJI DANGE.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) Whether they have received any application dated 15th April 1924 submitted to the Home Department by Marooti Godaji Dange, resident of Marje Shelgaon's Dhirsatwadi, taluka Indapur, district Poona, complaining of the delay by the police officers in tracing the offenders who had a hand in the murder of his only son Santoo which took place in his village in October 1923 ?

(b) If so, will they be pleased to state what has been done with all these applications and complaints before the police officers ?

The Honourable Sir MAURICE HAYWARD : (a) Yes.

(b) Government is satisfied that careful inquiry is being made into the matter.

Dr. M. B. VELKAR : May I know from the Honourable the Home Member when the careful enquiry commenced in 1923 will come to an end and bring the offenders to book ?

The Honourable Sir MAURICE HAYWARD : I hope that it will be successful in tracing the offender in time.

LICENSES FOR ARMS IN THE POONA DISTRICT.

* Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of persons holding permits to bear arms in each taluka and peta of the Poona district for the year ending December 1924 ;

(b) the kind of arms which such persons are permitted to bear ;

(c) the number of persons who are entitled to bear arms in each taluka of the Poona district without formal permits ;

(d) specific cases in which the holders of such permits were useful to any village community in the prevention or suppression of crimes by robbers and dacoits ;

(e) the number of persons who were given new licenses and the number of persons whose licenses were taken away during the year ending December 1924.

The Honourable Sir MAURICE HAYWARD : A statement† giving the required information is laid on the Council table.

Dr. M. B. VELKAR : In the statement attached to this question I find column No. 11 blank. May I know whether any specific case has not occurred at all or whether the Honourable the Home Member has not come across any instance in which the holder of a permit has been of use to the village ?

The Honourable Sir MAURICE HAYWARD : Personally I have not come across any such instance.

Dr. M. B. VELKAR : Shall I take it that the present holders of such permits have not been of any use by way of protection to the villagers against dacoits ?

The Honourable Sir MAURICE HAYWARD : I do not think that follows logically.

AUCTION SALE OF GRASS.

* Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state the amount realised at the auction sale of the right of cutting grass in the closed portion of the reserved forest and the amount

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix No. 6.

recovered by impounding cattle and damages from 1st April to 31st December 1924 in the villages of Bibi and Vetale of the Khed taluka of the Poona district ?

The Honourable Mr. A. M. K. DEHLAVI : A statement † containing the required information is placed at the Council table.

HANDLOOM INDUSTRY IN POONA DISTRICT.

* Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of working handlooms during the year ending December 1924 in the Poona district according to talukas ;

(b) the principal villages in each taluka of the Poona district in which handloom industry is working to any considerable extent ;

(c) what steps have Government taken in promoting weaving industry in the Poona district ;

(d) whether yarn used in these looms is of Indian or foreign manufacture ;

(e) the number of handlooms in which handspun yarn only is manufactured ;

(f) whether Government have taken any and, if so, what steps to encourage handspinning in the Poona district ?

The Honourable Mr. B. V. JADHAV : (a) Government have no information.

(b) The principal weaving centres in Poona district are Poona, Sasvad, Junnar, Kendur, Baramati, Mancher, Pargaon, Kalamb, Chhas, Kasimbeg, Ala, Chandoli and Pimpalwadi.

(c) In order to promote and help weaving industry in Poona, a weaving school and a weaving demonstration of improved fly shuttle looms were organised in the weavers' locality at Poona in 1916 and 1921, respectively. The weavers were taught the use of single and double-box fly shuttle looms, dobbies, etc., and the result was that about 300 such looms were introduced amongst them.

(d) Handloom weavers of Poona generally use foreign yarn of 50's and 60's count for fine saris. Indian yarn up to 40's count is also used by them for ordinary saris. Some weavers use cheap yarn of low counts imported from Japan.

(e) Government have no information.

(f) Government have not taken any steps to encourage handspinning in the Poona district.

Mr. G. I. PATEL : It is stated in reply : " Handloom weavers of Poona generally use foreign yarn of 50's and 60's count for fine saris." Do they not use any yarns of 80's and 100's at all ?

The Honourable Mr. B. V. JADHAV : Some of them do.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix No. 7.

MEDICAL RELIEF IN VILLAGES THROUGH THE AGENCY OF SCHOOL MASTERS.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the names and villages of the school masters in the Poona district who have been selected to carry out the experimental scheme of giving medical relief in certain villages;

(b) whether the villages so selected are on the high roads or in the interior of talukas;

(c) what the result of the experiment has been and whether Government intend to extend the scheme to other villages during the next year?

The Honourable Mr. B. V. JADHAV:

(a) *Name of the Village*
Aid School Master.

Village.

(1) Mr. S. G. Teli	..	..	Lonikalbhor.
(2) „ B. M. Mahajan	..	..	Chakan.
(3) „ V. P. Abhyankar	..	..	Khadakwasla.
(4) „ R. P. Potdar	..	..	Yevat.
(5) „ R. R. Alandikar	..	..	Dehu.

(b) All the villages except Dehu are on the high roads in order to facilitate inspection in this experimental stage.

(c) The result has been quite satisfactory and proposals for the extension of the scheme will be considered by Government when received.

TANKS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to supply the following information relating to the tanks in each taluka and petha of the Poona district—

(1) Name of taluka or petha.

(2) Number of tanks in each.

(3) Number of public tanks.

(4) How many are in charge of Public Works Department, how many in charge of Revenue Department and how many are transferred to municipalities?

(5) Was any revenue collected from the public tanks during the year 1923-24? If so, how much and on what account?

(6) Was any amount spent on the repairs of public tanks during 1923-24?

(7) Number of new tanks excavated during 1923-24 and the number of old tanks abandoned during the same period?

(8) Number of unfinished tanks like the one named Victoria tank near Varvand in Bhimthadi taluka.

(9) Whether there is any possibility in the near future of finishing the tanks classed in (8)?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Mr. COWASJI JEHangIR: Information is being called for.

APPOINTMENT OF HONORARY MAGISTRATES.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) What principle is observed by Government in the selection of honorary magistrates—what are considered qualifications and disqualifications of such nominees? Is punishment of fine by a criminal court considered a disqualification?

(b) What are the educational qualifications of such magistrates who have been nominated in the Poona district and whose names are published at pages 2776 and 2777, Part I, of the *Bombay Government Gazette*, dated the 13th November 1924?

(c) Whether any of these honorary magistrates had applied to Government for being appointed as such?

(d) Whether any one of them has been fined by a criminal court?

The Honourable Sir MAURICE HAYWARD: (a) Attention is invited to replies given to similar question by the honourable members for Sholapur city and the Nasik district at the July session of 1923 and the February session of 1924. A fine would not necessarily be a disqualification, e.g., under the Motor Vehicles Act.

(b), (c) and (d) A statement† giving the required information is laid on the Council table.

INAMDARS AND JAHAGIRDARS EXERCISING POWERS OF SUBORDINATE JUDGES.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to supply the following information—

(a) the names and jurisdiction of the four inamdars and jahagirdars who exercise the powers of subordinate judges under Regulation XIII of 1830 with the extent of powers exercised by each?

(b) the number of civil cases decided by each during the year ending 31st December 1924?

(c) Are the same rules applicable to the courts of these jahagirdars in the matter of stamps, court-fees and other process fees as are applicable in the British territory?

The Honourable Sir MAURICE HAYWARD: (a) and (b) A statement‡ showing the required information is placed on the Council table.

(c) The reply is in the affirmative. These jurisdictions are in British territory.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† Kept in the Secretary's office.

‡ Vide Appendix No. 8.

MEDICAL EXAMINATION OF PILGRIMS TO MECCA.

*MOULVI RAFIUDDIN AHMAD (on behalf of HAJI ABDULLAH HAROON (Karachi City)): Will Government be pleased to state—

(a) How many medical men have been appointed by them at Kamaran for the medical examination of pilgrims to Mecca and at what cost?

(b) Is it a fact that the pilgrims are twice examined, first at the port of embarkation and then at Aden before reaching Kamaran?

(c) What is the amount of pilgrim dues which every pilgrim has to pay at Kamaran while there for medical examination?

The Honourable Mr. COWASJI JEHANGIR: Parts (a) and (c) of the question have been already answered.

(b) It is a fact that pilgrims are medically examined at the port of embarkation. They are not subjected to any further examination at Aden.

ALLEGATIONS AGAINST THAR AND PARKAR OFFICIALS:

*MOULVI RAFIUDDIN AHMAD (on behalf of HAJI ABDULLAH HAROON (Karachi City)): Will Government be pleased to state—

(a) whether their attention has been drawn to an editorial note under the heading of "Motor cars of zamindars" published on page 5 of the "Mussalman" of Mirpurkhas, dated the 29th December 1924, alleging that in the Thar and Parkar district of Sind some Government officials have been using the motor cars of zamindars under the threat of doing harm to them;

(b) whether it is a fact that the Collector of the Thar and Parkar district has received such a complaint from some zamindars;

(c) whether the Government propose to take any action in the matter.

The Honourable Mr. LALUBHAI SAMALDAS:

(a) No.

(b) The Collector has not received any complaint in the matter.

(c) The Collector has already issued a circular enjoining the subordinate officers not to make use of private persons' conveyances.

GARRIWALAS IN KARACHI.

*MOULVI RAFIUDDIN AHMAD (on behalf of HAJI ABDULLAH HAROON (Karachi City)): Will Government be pleased to state—

(a) How many police cases were filed against motor-car drivers and garriwalas in Karachi in the last two years;

(b) How many of them resulted in conviction and how many of them in acquittal of the accused;

(c) Whether it is a fact that garriwalas have been complaining against police zulum, and on that account went on strike in Karachi last year.

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

The Honourable Sir MAURICE HAYWARD :

(a) and (b)

(1) Police cases filed against motor car drivers—

			1923.	1924.
Filed	..	..	312	616
Convicted	..	..	158	391
Discharged	..	..	102	135
Pending	..	..	48	86
Withdrawn	..	..	4	4

(2) Police cases filed against public conveyance drivers—

			1923.	1924.
Filed	..	..	1,841	1,358
Convicted	..	..	806	1,005
Discharged	..	..	655	157
Pending	..	..	336	186
Withdrawn	..	..	44	10

(c) The public conveyance drivers who went on strike on 3rd October 1924 were not organised and had no definitely formulated grievances. Some of them complained of prosecution in trivial cases of breach of regulations, but the real cause of the strike was economic, the working of public conveyances being unprofitable and the owners refusing to pay the fines inflicted on their drivers.

No complaints were received by the Superintendent of Police, Karachi head quarters, from public conveyance drivers against police zulum.

MUSLIM TRUSTS IN GOVERNMENT CHARGE.

*MOULVI RAFIUDDIN AHMAD (on behalf of HAJI ABDULLAH HAROON (Karachi City)): Will Government be pleased to furnish in a tabular form a statement of the Muslim trusts for educational or other charitable purposes in each of the districts of the Bombay presidency, under their own management, under the management of persons appointed for the purpose by them, and under the management of others, respectively, giving the following details in each case :—

- (a) the original value of the trust property and its present value ;
- (b) by whom endowed ;
- (c) how invested and the annual net income realised from them ;
- (d) the purpose for which the trust property is to be utilised and whether it continues to be utilised ;
- (e) the names of the trustees or managers ?

The Honourable Mr. B. V. JADHAV : The information is furnished in the accompanying statements †.

*This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

† Vide Appendix No. 9.

GRANT OF LAND IN NAUSHABRO TALUKA.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to furnish a copy of the agreement taken from Bhai Chatandas of the Naushabro taluka of the Nawabshah district under which he surrendered certain survey numbers in deh Kandir to Government?

The Honourable Mr. LALUBHAI SAMALDAS: A copy* of the agreement in Sindhi (together with its translation in English) is placed on the table.

MINING LEASE AT JAMGAON.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state the reasons why the mining lease in connection with the manganese mines at Jamgaon has not yet been granted, although the licensee applied for it several months ago?

The Honourable Mr. LALUBHAI SAMALDAS: The rights of another applicant who was granted a mining lease for the same area 15 years ago are being examined.

Mr. P. G. JOSHI: May I ask the Honourable the Revenue Member whether Government were aware of the first lease when the second lease was granted?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

Mr. P. G. JOSHI: May I know under what circumstances the second lease was granted?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

Mr. P. G. JOSHI: I want to know whether Government intend to repudiate their responsibility under the second contract?

The Honourable Mr. LALUBHAI SAMALDAS: Sir, I resent that question. If the honourable member asks a question in the ordinary form, he will be given a reply.

Mr. P. G. JOSHI: May I know when the Government began enquiring into the first lease?

The Honourable the PRESIDENT: The honourable member is keeping on asking supplementary questions when the Honourable the Revenue Member has already intimated that he requires notice. The honourable member ought to realise that the Honourable the Revenue Member is quite new to his duties, and he cannot be expected to have at his finger's ends all that happened in the department during the previous year.

Mr. P. G. JOSHI: The second lease was granted only two years ago.

The Honourable the PRESIDENT: But the Honourable the Revenue Member is not more than two months old.

* Kept in the Secretary's office.

APPOINTMENT OF A HEAD MASTER OF PRACTISING SCHOOL AT DHARWAR.

*Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) Whether the predecessor in office of the present head master of the practising school attached to the training school at Dharwar was a non-Brahmin and whether the present head master is a Brahmin?

(b) If so, what were the reasons for transferring the said non-Brahmin teacher and appointing a Brahmin in his place?

The Honourable Mr. B. V. JADHAV: (a) Yes.

(b) Because the work of the previous non-Brahmin head master was not satisfactory, while the new Brahmin head master has had previous experience in the Bijapur training school which makes him specially suitable for the post in question. The new head master is reputed to be a man of marked literary ability and an exceptionally good teacher whom it will be difficult to replace. Though a Brahmin, he belongs to an educationally backward community, viz., the *Haviks*.

GRAZING FOR MUNDGOD CATTLE.

*Mr. M. D. KARKI (Kanara District): (a) Will Government be pleased to state whether it is a fact that forest coupes lying within from two to five furlongs from the town limit of Mundgod are closed for grazing and that the forest coupes which have been kept open for grazing lie close to or between the closed forest coupes?

(b) Are the closed coupes in any way fenced?

(c) Is it a fact that the coupes which are open for grazing are overgrown with trees and shrubs and contain little or no fodder for grazing?

(d) Has any minor forest area been assigned for the cattle of Mundgod for grazing, and if so, what is its total extent and the ratio it bears for every head of cattle of the Mundgod town?

The Honourable Mr. A. M. K. DEHLAVI: (a) One of the closed coupes of the Mundgod block is five furlongs away from town. The rest are situated at a greater distance. The closed coupes are near the area thrown open for grazing;

(b) They are not fenced but the boundaries are distinct and the villagers are aware of them;

(c) The area, as is natural, is overgrown with trees but the shrub growth is very scarce. The grazing area is sufficient, conveniently situated, and of much better quality than is the case in the greater part of Kanara.

(d) The block set apart for the grazing of Mundgod cattle contains 125.37 acres of minor forest and 2,142 acres of open reserved forest, the ratio of the area to the number of cattle is roughly 2:1.

Mr. M. D. KARKI: In reply to question (b) it is stated that they are distinct boundaries. What are they?

The Honourable Mr. A. M. K. DEHLAVI: They are small stone mounds marked white with chunam as boundary marks.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

Mr. M. D. KARKI: Do they remain white throughout the year?

The Honourable Mr. A. M. K. DEHLAVI: They are always renewed.

Mr. M. D. KARKI: Is the chunam washed away in the rains?

(No reply).

Mr. M. D. KARKI: In answer to my question (c), it is not stated whether they contain sufficient fodder.

The Honourable Mr. A. M. K. DEHLAVI: The answer is given that there is sufficient fodder.

Mr. M. D. KARKI: Is there good fodder in that area? The area may be sufficient.

The Honourable Mr. A. M. K. DEHLAVI: The answer is given in the last line that it is "of much better quality than is the case in the greater part of Kanara".

Mr. M. D. KARKI: In the greater part of Kanara there may not be fodder at all; what should we understand by this comparison?

(No reply).

ASSESSMENT IN THE SECOND LAND REVENUE SETTLEMENT.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state by what amount the total assessment in each village in the Kanara district has been increased at the second settlement and the total cost incurred for effecting the second settlement in that district?

The Honourable Mr. LALUBHAI SAMALDAS: For information about the increase in the total assessment in each village, the honourable member is referred to the settlement reports of the respective talukas. Owing to the destruction of past records, it is not possible to furnish an accurate estimate of the total cost incurred on effecting the settlement in question.

Mr. M. D. KARKI: Who destroyed the records?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

Mr. M. D. KARKI: Will it not be possible to give an approximate if not the accurate figure?

(No answer).

DHARWAR KARNATAK VIDYA VARDHAKA SANGHA.

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

(a) whether the literary institution known as Karnatak Vidya Vardhaka Sangha, Dharwar, is a registered institution?

(b) If so, whether they aid it by any grants and if so, what are the amounts that have been annually contributed by them during the last ten years

(i) towards the construction of the building,

(ii) for the purchase of books, and

(iii) for other purposes;

(c) whether it is a fact that the building of the institution remains incomplete for want of sufficient funds?

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

The Honourable Mr. B. V. JADHAV: (a) This has already been answered.

(b) Yes:

(i) A building grant of Rs. 3,000 was paid in the past and a further grant of about Rs. 3,000 at $\frac{1}{4}$ th rate has been sanctioned.

(ii) Government publications are supplied free of charge but no grant is paid specifically for the purchase of books.

(iii) A grant of Rs. 500 is being paid annually by Government for prizes to authors.

(c) Yes. But this is chiefly due to the Sangha not being able to collect funds to meet their share of the cost of the building.

Mr. M. D. KARKI: Will Government be pleased to grant a substantial help to the Sangha, i.e., more than one-fourth owing to the peculiar circumstances under which it is labouring now?

The Honourable Mr. B. V. JADHAV: When an application is made, it will be considered on its merits.

OFFICERS INFLICTING CHAUTHAI FINE IN KANARA.

* Mr. M. D. KARKI (Kanara District): (a) Will Government be pleased to state what officers are empowered to inflict the one-fourth fine in Kanara?

(b) Is it a fact that there is an order issued by the Collector of Kanara to the effect that the power of inflicting such fines should be exercised either by himself or Assistant Collectors or Deputy Collectors, and not by mamlatdars and mahalkaris?

(c) Are there any instructions issued by the Collector of Kanara prescribing in what circumstances such fines are to be inflicted?

(d) If the reply to (b) or (c) be in the affirmative, will Government be pleased to place on the Council table copies of such order or instructions?

(e) If the reply to (b) or (c) be in the affirmative, have any such orders been issued by any other Collectors in the presidency?

The Honourable Mr. LALUBHAI SAMALDAS: (a), (b), (c) and (d) Already answered.

(e) In no district of the Southern Division have special orders of the kind mentioned in clause (b) been issued. No such orders have been issued in any other district of the Presidency including Sind. Instructions of the kind referred to in clause (c) of the question have been issued in the district of East Khandesh and all the other districts in Sind except Sukkur and Upper Sind Frontier.

Mr. M. D. KARKI: What made the Collector take away the powers of the mamlatdars and mahalkaris who are authorised under the Act to inflict such fines?

The Honourable Mr. LALUBHAI SAMALDAS: This supplementary question does not arise from the present answer. This ought to have been asked when the replies to questions (a), (b), (c) and (d) were given.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

ISSUE OF INDUSTRIAL SALT.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state the number and names of the industrial concerns in the presidency which are supplied with salt free of duty by them in accordance with the rules sanctioned in Government Resolution No. 179 of 19th January 1921 during the years 1921-22, 1922-23 and 1923-24?

The Honourable Mr. LALUBHAI SAMALDAS: Statements * containing the necessary information are placed on the Council table.

JUDICIAL AND ADDITIONAL JUDICIAL COMMISSIONERS IN SIND.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state how many posts of Judicial and Additional Judicial Commissioners there are in Sind and how many of these are held by Mahomedans?

The Honourable Sir MAURICE HAYWARD: Attention is invited to page 172-A of the Bombay Civil List. Mr. Aston has proceeded on leave and has been replaced by Mr. Faiz B. Tyabji.

HIGHER JUDICIAL APPOINTMENTS IN SIND.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state the total number of higher judicial appointments—Sub-Judges, Assistant Judges and District Judges in the presidency proper and in Sind, and how many of these are held by Mahomedans?

The Honourable Sir MAURICE HAYWARD: There are at present acting or permanent 9 Mahomedan Subordinate Judges, 2 Mahomedan Assistant Judges and 1 Mahomedan District Judge out of 152 Subordinate Judges, 14 Assistant Judges and 18 District Judges.

WAKF ACT.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state when they propose to notify the extension of the Wakf Act to this presidency?

The Honourable Mr. B. V. JADHAV: The notification has already been issued.

QUANTITY OF LIQUOR ISSUED IN AHMEDABAD.

Mr. G. K. MAVALANKAR (Ahmedabad City): (a) Will Government be pleased to state—

(1) the quantities of country liquor fixed as ration for each of the different country liquor shops at Ahmedabad city for each of the months of January, February, March, April, May, June and July 1924;

* Vide Appendix No. 10.

(2) the actual quantity issued from the distillery in each of those months for each shop ;

(3) the balance of 40 deg. U. P. and 60 deg. U. P. on the last day of each of those months in each shop ;

(4) the maximum capacity in gallons of the storage vats and selling casks of 40 deg. U. P. and 60 deg. U. P. in each of the said shops on the last day of each of the above-mentioned months ?

(b) Are the balances of country liquor in each shop on the last day of every month taken into consideration in issuing the ration in the succeeding months ? Is the ration of the succeeding month reduced by the amount of such balances ?

The Honourable Mr. A. M. K. DEHLAVI: (a) Statements,* A, B and C giving the necessary information are placed on the Council table.

(b) The reply to both the parts of the question is in the negative.

Mr. G. K. MAVALANKAR: How is it that the issued quantity especially in March account—closing month—exceeds by three to four times and in some cases nine hundred times the ration fixed for March ?

The Honourable Mr. A. M. K. DEHLAVI: I want notice.

Mr. G. K. MAVALANKAR: How is it that the actual balances of quantity in March even exceed the actual capacity of vats of storage and selling casks maintained by shops ?

The Honourable Mr. A. M. K. DEHLAVI: I want notice.

NEW TODDY LICENSEES IN SURAT DISTRICT.

† Dr. M. M. MEHTA (Surat City) : Will Government be pleased to state how many persons holding previous licenses of toddy were replaced by new licensees in the Surat district during the years 1922, 1923 and 1924, respectively ?

The Honourable Mr. A. M. K. DEHLAVI: The figures required are as follows :—

1922-23	..	..	..	21
1923-24	..	..	..	59
1924-25	..	..	..	62

MANG COLONY IN POONA.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) if it is intended to shift the Mang colony behind the Engineering College Hostel in Poona as a result of the town planning operations that are in progress in Bhamburda ;

(b) if so, where do Government intend to settle the families in question ;

(c) whether Government are aware of the dissatisfaction existing in the minds of these people owing to the rumoured contemplated removal of the colony to Yerandavna or Yeravada ?

* Kept in the Secretary's office.

† This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
(a) Yes.

(b) For the present it is intended to settle them in survey No. 93 of Yerandavna but the site is not yet finally settled.

(c) No representation of the Mangs in the matter has been received by Government.

PATHAN DACOITIES IN POONA.

* Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) :
(a) Are Government aware of the fact that several Pathan dacoities have recently taken place in and round Poona ?

(b) Will they be pleased to state what steps they have taken to prevent them ?

The Honourable Sir MAURICE HAYWARD : There were two dacoities one at the Poona District Court on 3rd April 1924, and the other at Talegaon Dabhade on 8th June 1924. They were however committed by a gang of Sikhs, Pardeshis, etc., and not Pathans. Both cases ended in convictions, one accused being sentenced to transportation for life and the others to different terms of transportation or imprisonment.

VILLAGE PANCHAYATS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) :
Will Government be pleased to state—

(a) the total number of village panchayats started in each division of the presidency since the Village Panchayat Act came into force ; and also the total number of those in each division that were abolished during the period ;

(b) whether they have enquired into the causes which led to the abolition of these panchayats ;

(c) whether any amendment of the Act is under contemplation ;

(d) whether they are aware of the fact that in Madras panchayats are being invested with judicial powers ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) information has been called for.

(b) and (c) Government will shortly appoint a committee to investigate the working of village panchayats.

(d) Government have no information on the subject.

BILLS RELATING TO MUNICIPALITIES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : With reference to the speech of the Honourable Minister of Local Self-government at the Deccan Sabha, on 13th August 1922, will Government be

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

pleased to state what special Acts are contemplated for municipalities in the presidency and also when the Karachi Municipal Bill is expected to be ready?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : A special bill to be applied to larger municipalities in the presidency is on the agenda and will be introduced at this session. The Karachi Municipal Bill is ready and has been forwarded to the Karachi municipality for its opinion.

LIBERALISING THE CONSTITUTION OF MUNICIPALITIES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : (1) Will Government be pleased to state what municipalities in the Central Division have adopted the measures for liberalising their constitutions as per Government Resolution No. 9693, General Department, dated 14th September 1920 ?

(2) How many of them have re-arranged their wards in accordance with the principles laid down in the order of Government No. 6176, dated 18th May 1921 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(1) All the 58 municipalities in the Central Division have adopted the measures referred to except Satara Suburban, Karmala, Sangola, Malcolm-peth and Bhagur.

(2) 32 municipalities have re-arranged their wards with 3 or more seats allotted to each, 19 municipalities including Sangola have re-arranged their wards with a view to secure due representation of minorities but have allotted less than three seats to certain wards and 7 municipalities have not re-arranged their wards according to the principles referred to.

DAKOR PILGRIM CESS.

* Mr. W. S. MUKADAM (Panch Mahals District) : (a) Will Government be pleased to state whether it is a fact that Mahomedans and Jains are exempted from the pilgrim cess of Dakor of Kaira district ?

(b) Will Government be pleased to state why Arya Samajists are not exempted from the Dakor pilgrim cess like Mahomedans and Jains ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) Yes.

(b) The Arya Samajists are not exempted as there is nothing by which they can be identified as really belonging to that class.

Mr. K. F. NARIMAN : Is it the principle of Government to levy cess on classes or communities that cannot be identified ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : It is a pilgrim tax ; a Parsi or a Mahomedan cannot go for this purpose to

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

this place. Then, it is very difficult to identify the Samajists and ordinary Hindus.

Mr. W. S. MUKADAM: May I know how Jains are identified and exempted from the tax?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: They cannot be identified except from their appearance.

Mr. W. S. MUKADAM: May I know whether the Arya Samajists have not got that appearance?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Well, they are like other Hindus.

Rao Saheb D. P. DESAI: What is the means by which you distinguish a Jain from others?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Well, by appearance and dress one may guess.

Mr. G. I. PATEL: Will the Honourable Minister say how it is to be guessed?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Therefore, I say we are not able to identify; but you are not satisfied with that reply.

Mr. W. S. MUKADAM: Have municipalities exempted Jains from that tax?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I do not know.

Mr. R. G. PRADHAN: If any one declares that he is an Arya Samajist, is that not sufficient to exempt him?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Everybody may declare that he is an Arya Samajist and get free from the tax.

MURDERS IN THE DOHAD AND JHALOD TALUKAS.

* Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) how many murders were committed in the Dohad and Jhalod talukas of the Panch Mahals district from April 1924 to July 1924;

(b) how many of the culprits have been traced and in how many cases have the offenders been convicted?

The Honourable Sir MAURICE HAYWARD: In Dohad taluka only one murder was committed during the period in question. The culprit has not yet been traced. In Jhalod taluka three murders were committed during the period in question. In one case the culprit has been convicted and sentenced to two years' rigorous imprisonment by Sessions Judge. The culprits in the other two cases have not yet been traced.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

NUMBER OF VILLAGE PANCHAYATS IN THE PRESIDENCY.

* Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the number of village panchayats in this presidency up to 31st of December 1924 stating the number in each district separately?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The accompanying statement † furnishes the information asked for.

PLANTATION WORK, PANCH MAHALS.

* Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to put on the Council table a statement in the following tabular form in respect of the expenditure incurred by the Divisional Forest Officer, Panch Mahals, on plantation work done in the exploited coupes of his division during the last four years :—

- (1) Block No.
- (2) Number of coupe in which plantation is made.
- (3) Area of the coupe planted.
- (4) Name of the village.
- (5) Amount spent.
- (6) Number of labourers engaged.
- (7) Name of persons receiving payment on behalf of the people engaged.
- (8) Name and designation of the officer who made the payment.
- (9) Date of payment.

The Honourable Mr. A. M. K. DEHLAVI: Government do not think that any public purpose would be served by compiling this information which would involve an undue amount of time and labour.

PLANTATION WORK, PANCH MAHALS.

* Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state whether it is a fact that the Divisional Forest Officer, Panch Mahals, is taking signatures of illiterate villagers on agreement drafted by him to the effect that the villagers should do the plantation work in return for the forest privileges enjoyed by them?

(b) If so, will they state whether they have authorised him to do so?

The Honourable Mr. A. M. K. DEHLAVI: (a) No agreements or signatures are being taken where the villagers' privileges are concerned. In certain cases villagers are asked if they will do plantation work in exchange for grass from closed coupes. The cutting of grass in closed coupes is not a privilege.

(b) Does not arise.

AREA UNCULTIVATED IN THANA DISTRICT ON ACCOUNT OF TEAK TREES.

* Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state how many acres of land the Khatedars of the

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix 11.

Thana district have to leave uncultivated on account of teak trees standing on them though the assessment for that uncultivated land has to be paid by the Khatedars ?

The Honourable Mr. LALUBHAI SAMALDAS: The area left uncultivated on account of teak trees cannot be ascertained as no statistics on the point are available in taluka offices.

Mr. W. S. MUKADAM: May I know from what office this information is available ?

The Honourable Mr. LALUBHAI SAMALDAS: From none.

Mr. W. S. MUKADAM: May I know whether it is not possible to get it from the talati's records ?

The Honourable Mr. LALUBHAI SAMALDAS: No.

POLICE FORCE IN THE PANCH MAHALS.

* Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state in the following tabular form how many sub-inspectors, head constables and constables of the Police Department there are in the Panch Mahals :

- (1) Name of the sub-inspector, head constable or constable.
- (2) Designation.
- (3) Nationality.
- (4) Name of the place and taluka where serving.
- (5) Pay.
- (6) From how many years he is in Panch Mahals.
- (7) How many years he has put up in the service.
- (8) From how many months or years he is serving ; where he is at present ?

The Honourable Sir MAURICE HAYWARD: Government consider that the labour entailed in the collection of the information called for is out of proportion to any public purpose that would probably be served by it.

REPORT OF PRESIDENT, GODHRA MUNICIPALITY, GENERAL BOARD MEETING IN NOVEMBER 1923.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to put on the Council table the report made by the president of the Godhra municipality to the Collector, Panch Mahals, regarding the question put by the honourable member for Broach in connection with the unconstitutional behaviour of certain members of the Godhra municipality in the general board meeting of November 1923 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The president's report† No. 16, dated the 8th May 1924, is placed on the Council table.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix No. 12.

BONE CRUSHING FACTORY AT HYDERABAD.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (a) Has the attention of Government been drawn to the existence of the bone crushing factory of Messrs. David Sassoon in the close proximity of the town of Hyderabad (Sind) ?

(b) Do Government know that the factory gives rise to offensive smells which vitiate the atmosphere and thus greatly endanger public health ? If so, do Government propose to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
(a) Yes.

(b) Yes. Government have suggested certain remedies to the Commissioner in Sind for removing the defects existing in the factory with a view to making its working unoffensive, and as it is situated within the jurisdiction of the municipality he has been asked to move the municipality to put these suggestions in force.

RASAI-OFFERINGS AND PARTIES TO GOVERNMENT SERVANTS.

* Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state whether their attention has been drawn to an article entitled "New forms of Rasai-offerings and parties" published in the issue of April 1924 of *Gunchi-i-Umid*, a monthly magazine of Hyderabad ? If so, will Government be pleased to state what action they have taken or propose to take in regard to the statements published in the article in question ?

The Honourable Mr. LALUBHAI SAMALDAS: Government have made full enquiries regarding the statements in the article referred to. The only statement which is sufficiently definite to require an answer is that regarding a farewell party given to the Assistant Collector of the Tando Division of the Hyderabad district by some of the jaghirdars and zamindars of that division. Government are satisfied that this party was got up and managed by certain leading zamindars who were the personal friends of the Assistant Collector in question, and that in accepting the party the Assistant Collector did not infringe any of the rules in force on the subject.

Mr. W. S. MUKADAM: May I know, Sir, who was the investigating officer in this case ?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

Mr. W. S. MUKADAM: Will Government be pleased to place on the Council table all the papers of enquiry regarding this case ?

The Honourable Mr. LALUBHAI SAMALDAS: That also requires notice.

Mr. W. S. MUKADAM: May I know whether the statements of the jaghirdars were taken by the investigating officer ?

The Honourable Mr. LALUBHAI SAMALDAS: Notice, please.

* This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

BREACHES AT THE TAIL OF THE DADWAH.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state whether they are aware—

- (a) that breaches occur every year at the tail of the Dadwah;
- (b) that in spite of a very good *abkalani* this year, the zamindars of Sorabwah suffered on account of deficiency of water in the Canal?
- (c) Is it a fact that, simultaneously with this the zamindars at the tail of the Dadwah suffered on account of breaches there in the absence of a regulator at 65th mile of Dadwah?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

HOT WATER SPRING AT VAJRESHWARI.

* Mr. K. F. NARIMAN (Bombay City, South): Will Government be pleased to state—

- (a) whether they are aware of the danger to the public due to the want of proper repairs to the hot water springs of Vageshwar (Vajreshwari);
- (b) whether they contemplate taking any steps in the matter?

The Honourable Mr. B. V. JADHAV: There is no danger to the public from the hot water springs at Vajreshwari as they are in good repair.

Mr. K. F. NARIMAN: Does the Honourable Minister give this reply from his experience personally or from reports?

The Honourable Mr. B. V. JADHAV: I have no personal experience of it. I have relied on reports.

HEAD MASTERS AND ASSISTANT MASTERS IN SIND.

† Mr. B. G. PAHALAJANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to furnish the number of the head masters and assistant masters of the primary schools in the various districts of Sind who have been taken on the selection grade during the last three years? How many of them were Hindus and how many Mussulmans?

The Honourable Mr. B. V. JADHAV: The accompanying statement‡ gives the information required.

FAILURE OF CROPS IN THE MATAR TALUKA.

* Mr. D. N. PATEL (Kaira District): (a) Are Government aware that the principal crops of cotton and rice have materially failed in all the villages of the Matar taluka in the Kaira district which used to be irrigated from the Khari canal?

(b) Is such failure due to want of sufficient water owing to the water higher up in the canal being diverted into the Khari cut by the Irrigation Department?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

‡ *Vide* Appendix 13.

(c) If so, do Government intend to pass necessary orders for remission and suspension of land revenue for the current year in those villages ?

The Honourable Mr. COWASJI JEHLANGIR: (a) Yes.

(b) No. The failure was due to the low intensity of rainfall, which practically brought no flood to the Khari river except for a few days in September. No water from the Khari river was diverted by the Irrigation Department for use elsewhere. On the contrary, water from the Hathmati river was sent through the Khari cut for the benefit of the Daskoshi villages.

(c) The Collector of Kaira has already granted remission and suspension of land revenue.

DESIGN FOR CONFERENCE HALL AT GENEVA.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether they have received any intimation from the Government of India in regard to the international competition for the design of a Conference Hall at Geneva organized by the League of Nations ?

The Honourable Khan Bahadur SHA KH GHULAM HUSSAIN: No such intimation has been received from the Government of India.

WATER RATES.

Mr. R. G. PRADHAN (Nasik District): (a) Will Government be pleased to state whether there are any rules prescribing the basis on which water rates are determined ?

(b) If there are, will they be placed on the table ?

(c) If not, on what principles are the rates determined, enhanced or reduced ?

The Honourable Mr. COWASJI JEHLANGIR: (a) No.

(b) Does not arise.

(c) Information regarding the principles on which water rates are levied is given in the note * printed as appendix.

ADMINISTRATION OF TRANSFERRED DEPARTMENTS.

Mr. R. G. PRADHAN (Nasik District): (a) Will the Honourable the Minister for Local Self-government, as senior Minister, be pleased to state whether the Ministers have urged at any meeting of the Joint Board that the transferred departments should be administered on the principle of joint responsibility of all the Ministers for all the departments in their charge ?

(b) If so, with what result ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The deliberations of the Honourable Board are confidential. This question therefore cannot be answered.

*Vide Appendix 14.

Mr. G. I. PATEL : May I know whether the point has been urged at all ?

The Honourable the PRESIDENT : The Honourable Minister says that it is confidential.

Mr. G. I. PATEL : Was the matter taken into consideration at all ?
(No reply.)

RECOMMENDATIONS OF THE RETRENCHMENT COMMITTEE.

Mr. R. G. PRADHAN (Nasik District) : With reference to the statement laid on the table, showing the recommendations of the Retrenchment Committee per department, and the action taken by Government on them, will Government be pleased to lay on the table a further statement showing the action taken by them on all those matters which have been shown in the former statement as being under consideration ?

The Honourable Mr. H. S. LAWRENCE : The honourable member's attention is drawn to the replies given to similar questions put by Messrs. L. B. Bhopatkar and Haji Abdullah Haroon at the last October † and February-March ‡ sessions of the Legislative Council respectively.

INQUIRY INTO THE WORKING OF THE HONORARY MAGISTRACY.

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state whether they have requested the Honourable Mr. Justice Kincaid to inquire into and report on the working of the institution of honorary magistracy ? If so, on what lines is the inquiry being conducted ? Has the report been submitted, and if so, will it be placed on the table ?

The Honourable Sir MAURICE HAYWARD : Government asked the Honourable Mr. Justice Kincaid to report his views after the completion of his tour of inspection on the working of honorary bench magistrates as well as of honorary special magistrates in the presidency proper. His report has been received and along with reports received from local officers in Sind regarding benches of magistrates in Sind is under the consideration of Government.

Mr. R. G. PRADHAN : Did he consult any Bar Associations in the places which he visited ?

The Honourable Sir MAURICE HAYWARD : I think he probably did.

Mr. R. G. PRADHAN : Did he consult the Bar Association of Nasik ?

The Honourable Sir MAURICE HAYWARD : I shall be glad to supply the information from the honourable member.

Mr. R. G. PRADHAN : He did not.

Mr. D. B. ADWANI : Are Government satisfied that it is sufficient to have the reports of the local officers from Sind, and do not Government intend to appoint a special officer ?

† Vide Vol. X, p. 711.

‡ Vide Vol. XIV, p. 1307.

The Honourable Sir MAURICE HAYWARD: The matter is still under consideration.

MOULVI RAFIUDDIN AHMAD: Will the honourable member place them on the Council table?

The Honourable Sir MAURICE HAYWARD: I will consider it.

Mr. B. G. PAHALAJANI: Have the benches continued to remain in the same position as they were when the matter was discussed in the Council?

The Honourable Sir MAURICE HAYWARD: I do not think there has been any modification.

Mr. B. G. PAHALAJANI: Are we to understand that next year they will continue to function in the same condition, in spite of the undertaking given by the honourable member last time?

The Honourable Sir MAURICE HAYWARD: I did not undertake to make any modifications. The matter is under the consideration of Government.

Mr. B. G. PAHALAJANI: When is the matter likely to be decided?

The Honourable Sir MAURICE HAYWARD: I have had the papers for some time on my table, but I have unfortunately not been able to finish them, as I have recently had a great number of enquiries for information on other subjects from honourable members of this House.

FOREST REVENUE, NASIK DISTRICT.

Mr. R. G. PRADHAN (Nasik District): (a) Will Government be pleased to state whether it is a fact that as a result of the system recently introduced, of working the forests in the Nasik district departmentally, the revenue from forests in the district has decreased?

(b) Will Government be pleased to lay on the table a statement showing the net forest revenue in the district of Nasik for the years 1921-22, 1922-23, 1923-24 and 1924-25?

The Honourable Mr. A. M. K. DEHLAVI: (a) No.

(b) The net forest revenue is given below:—

				Rs.
1921-22	..	..	..	25,701
1922-23	..	..	..	50,403
1923-24	..	..	..	50,880

The information for the year 1924-25 cannot be furnished as the year has not closed.

Mr. R. G. PRADHAN: When was the new system introduced?

The Honourable Mr. A. M. K. DEHLAVI: I should like to ask for notice of the question.

EUROPEAN TIMBER GUARD FOR PEINT TALUKA FORESTS.

* Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether it is a fact that a special European officer has been

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

appointed to guard the timber in the forests in Peint taluka, Nasik district ? If so, will Government be pleased to give the following particulars :—

- (1) The date of his appointment ;
- (2) By whom has he been appointed ;
- (3) His pay ;
- (4) His qualifications for the post ;
- (5) His previous services ?

The Honourable Mr. A. M. K. DEHLAVI : No such appointment has been made.

GOA LOTTERY TICKETS.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state whether they are aware that Goa lottery tickets are still being freely sold in the city.

The Honourable Sir MAURICE HAYWARD : The attention of the honourable member is drawn to the answers to the questions put by him in the February † and October ‡ Council Sessions respectively of the year 1924.

Mr. HOOSENALLY M. RAHIMTOOLA : Has the sale of the tickets stopped since then ?

The Honourable Sir MAURICE HAYWARD : I do not suppose so, but I have not got any later information.

Mr. HOOSENALLY M. RAHIMTOOLA : Is it likely to stop ?

The Honourable Sir MAURICE HAYWARD : I can only express the pious hope that it will.

Mr. HOOSENALLY M. RAHIMTOOLA : Have Government taken any action ?

The Honourable Sir MAURICE HAYWARD : Wherever possible, prosecutions have been instituted.

BUILDING GRANTS FOR URDU SCHOOLS.

* Mr. A. N. SURVE (Bombay City, North) : (a) Will Government be pleased to state to how many primary schools in the Ratnagiri district building grants have been given during the past fifteen years, together with the amounts given to each ?

(b) How many of such schools were Urdu schools ?

(c) Is it a fact that so far not a single Urdu school has received a building grant from Government in the Kolaba district ?

The Honourable Mr. B. V. JADHAV : (a) The accompanying statement § gives the information required.

(b) None.

(c) Yes.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Vol. XI, p. 336.

‡ *Vide* Vol. XIII, p. 99.

§ Kept in the Secretary's office.

RESERVATION OF SEATS IN THE BOMBAY MUNICIPAL CORPORATION.

Mr. A. N. SURVE (Bombay City, North): (a) Will Government be pleased to state whether they have received any representation in respect of reservation of seats in the Municipal Corporation of Bombay in favour of the Hindu backward communities? If so, how many? When and from whom?

(b) What action has Government taken upon them?

(c) Is it the intention of Government to take any action in this matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) Yes. Several representations have from time to time been received by Government on the subject. The accompanying statement* furnishes the information for the period from 1st April 1922 to 1st March 1925.

(b) and (c) The claims of the Hindu backward communities are duly taken into consideration in making Government nominations under section 5 (1) of the City of Bombay Municipal Act, 1888. Government do not intend to take any further action in this matter.

Mr. A. N. SURVE: With reference to the statement that the claims of the Hindu backward communities are duly taken into consideration, will the honourable Minister please state the number and names of members representing the Hindu backward classes whom Government have nominated?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: There is the honourable member Mr. Nekaljay, who is a representative of the depressed classes, and there is the honourable member Mr. Bole and there are others who have been returned by election.

Mr. R. S. NEKALJAY: May I know whether the masses are adequately represented (both by election and nomination) taking into consideration the whole population of the backward and depressed communities in the city of Bombay.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The majority of the elected and nominated members of the Bombay Corporation belong to the Hindu community.

The Honourable the PRESIDENT: I should like honourable members to remember that in three minutes' time the question hour will be over. I do not want to prevent them from cross-examining the Government benches, but there are two or three pages more to be gone through.

MAHOMEDAN TEACHERS IN RATNAGIRI AND KOLABA.

†Mr. A. N. SURVE (Bombay City, North): (1) Will Government be pleased to state how many Mahomedan teachers trained as well as those who have only passed the vernacular final examination are there in the Urdu schools of the districts of Ratnagiri and Kolaba?

(2) Is it a fact that the notified area committee, Rajapur, district Ratnagiri, expressed the opinion that there was no need for any trained

* Vide Appendix 15.

† This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

Mahomedan teachers in the Urdu school at Rajapur, when enquiries were made of the said committee by the Educational Department as to the necessity of such teachers ?

(3) Is it a fact that the Mahomedan teachers in almost all the Urdu schools of the Ratnagiri district are untrained ?

The Honourable Mr. B. V. JADHAV : (1) The accompanying statement* gives the required information.

(2) No. The committee passed a resolution to the effect that they would be glad to take up a 2nd year Urdu trained teacher if the educational grant to the committee were raised from one-half to two-thirds. In other words, they pleaded want of funds.

(3) No.

LEVY OF WATER-RATE IN RATNAGIRI DISTRICT.

†Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state whether it is a fact that a water-rate is to be levied for the occasional use of water, by farmers for agriculture, from the tank in the Dhamapur village in the Malwan taluka of the Ratnagiri district ?

The Honourable Mr. LALUBHAI SAMALDAS : No.

PROPOSED NEW SCHEDULE OF TAXATION FOR THE MODASSA MUNICIPALITY.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : (a) Will Government be pleased to state whether the municipal board of Modassa passed a new schedule of taxation on the 5th March 1924 and sent it to the Government for sanctioning the same on the 25th August 1924 ?

(b) If so, will they be pleased to state whether they have sanctioned the schedule ?

(c) If they have not done so, will they give the reasons for their refusal ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Yes. The municipality submitted the schedule to the Commissioner for sanction through the Collector on 28th August 1924.

(b) No.

(c) Proposals were made by the municipality for the revision of the house-tax, the net result of which was a loss of revenue to the municipality of about Rs. 2,500 and possibly more. As the present schedule of the house-tax which was sanctioned in 1922 was based on the principles laid down in the Government Resolution No. 3751, dated the 27th May 1916, and as the proposed reduction was likely to impair seriously the financial position of the municipality, the Commissioner declined on 1st November 1924 to accept the municipality's proposal to revise it.

SUB-INSPECTORS OF SALT AND EXCISE DEPARTMENTS.

Dr. M. B. VELKAR (Bombay City, South) : With reference to the question put by Mr. G. B. Trivedi, M.L.O. (Thana District), in

* Vide Appendix 16.

† This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

March 1922, will Government be pleased to give the following information regarding the sub-inspectors of the Salt and Excise Departments appointed or confirmed in or after the 1st of March 1922 (up-to-date):

- (1) Name.
- (2) Religion.
- (3) Qualifications.
- (4) Date of appointment.
- (5) Present pay.
- (6) Appointment with place or district.

The Honourable Mr. A. M. K. DEHLAVI: The honourable member is referred to the reply given to the question put by Mr. Bhopatkar at the last October session of the Council.*

VILLAGE PANCHAYATS IN KOLABA DISTRICT.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to give the following information regarding the village panchayats in the Kolaba district:

- (1) Name of the village panchayat, taluka, etc.
- (2) Whether there was a sanitary committee before the establishment of the village panchayat.
- (3) Yearly grants made to the sanitary committee by Government and district local board.
- (4) Grants made by the Government and local board in 1923-24.
- (5) Grants sanctioned by Government, and district local board for 1924-25.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The honourable member's attention is invited to the answer given at the last session of the Legislative Council to the question put by Mr. L. B. Bhopatkar, M.L.C. (Poona City). †

ADMINISTRATION REPORTS.

Dr. M. B. VELKAR (Bombay City, South): (a) Will Government be pleased to state whether the Annual Administration Reports of all the departments of Government are offered for sale?

(b) If there is any exception, will they be pleased to give reasons with the names of the departments?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The honourable member's attention is invited to the answer given to the question put by Mr. N. R. Gunjal, M.L.C. (Poona District), at the last session of the Legislative Council. ‡

MORAL AND RELIGIOUS TEACHING TO CRIMINAL TRIBE SETTLERS.

§ Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to give full particulars regarding arrangements made to give moral and religious teaching to the settlers of the criminal tribes?

*Vide Vol. XIII, p. 710.

†Vide Vol. XIV, p. 474. ‡Vide Vol. XIV, pp. 309-310.

§This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Sir MAURICE HAYWARD: The attention of the honourable member is invited to the answer given to the question put by the honourable member for the Poona district in the Council sessions of October 1924.*

The Honourable the PRESIDENT: Order, order. I have to inform honourable members that His Excellency has been pleased to allot nine days for non-official business for this session.

Mr. R. G. PRADHAN (Nasik District): Sir, I ask for leave to move an adjournment of the House for the purpose of discussing a definite matter of urgent public importance, viz., the highly unsatisfactory and disappointing character of the statement on India, made in the House of Lords, by Lord Birkenhead, Secretary of State for India.

The Honourable the PRESIDENT: In this connection I have to inform the House of the decision which His Excellency has communicated to me in connection with this demand for the adjournment motion. His Excellency has intimated that the resolution proposed to be moved by Mr. R. G. Pradhan on the subject of Lord Birkenhead's speech in the House of Lords is disallowed on the ground that it relates to a matter which is not primarily the concern of the local government.

In forwarding this decision His Excellency has written to me giving his reasons why he has been constrained to come to that decision, and, I think, it will interest the House to know those reasons, and I therefore propose to read out the letter which His Excellency has addressed to me on the subject:

"I have given the most careful consideration to the motion for adjournment standing in the name of the honourable member for the Non-Mahomedan Rural District of Nasik.

"You are aware, and the Legislative Council is, I hope, aware, that I, in no way, desire to interfere with the full discussion in Council of all matters of public importance; and, in fact, on more than one occasion, in the past 18 months, I could very legitimately, under the Act of 1919 and the Council Rules, have disallowed discussion on matters which could rightly have been called not matters primarily the concern of the Local Government.

"Mr. Pradhan's motion is, however, one which cannot, in any sense, be called one which is primarily the concern of the Local Government. He desires to discuss, in the two hours allowed for adjournment motions, the recent speech of the Secretary of State in the House of Lords. That speech, as the Secretary of State himself said, dealt with the financial, the commercial, and the political situation in India—and, under no circumstances, can this wide range of All-India subjects be considered to be primarily the concern of this Government. Obviously, the proper and only place where these all important questions can be discussed, and where they will be discussed, is in the Legislative Assembly, and, during that discussion, the representatives of Bombay in the Assembly can state the views of those who elected them.

* *Vide* Vol. XIII, p. 448.

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"In any case, it would be impossible for the Members of Government to take any part in any such discussion in this Legislative Council, for one reason, among others—namely, that the outcome of the discussions between His Excellency the Viceroy and the Secretary of State cannot be put before the Legislative Assembly until they have been considered by the Government of India.

"Honourable members will realise from the agenda that they have a great deal of very important work before them this session. I, as Governor, have definite duties laid upon me, and I cannot reconcile the discharge of those duties with the allowance of a discussion on questions outside the scope of those matters over which the Legislative Council has direct control. It would, in my opinion, be improper for me to allow discussion on Mr. Pradhan's motion, and I have therefore decided, after much consideration, that it is a duty imposed on me, in accordance with Rule 22 (2) of the Bombay Legislative Council Rules, to disallow the motion for the adjournment which Mr. Pradhan desires to move."

Mr. L. B. BHOPATKAR (Poona City): Sir, under clause 4 (1) of Standing Order IV, I request you, to allow me to move the first resolution that stands in my name, namely, the resolution regarding the sudden and tragic death of the late Mr. Das.

The Honourable the PRESIDENT: Two other honourable members have given notice of a similar resolution on the sad event, and I take it that both those honourable members are agreeable to allow Mr. Bhopatkar to move it. On that understanding, I allow the honourable member Mr. Bhopatkar to move his motion.

Mr. L. B. BHOPATKAR: Sir, I beg to move this resolution in the hope and confidence that it will be passed unanimously by this House. The resolution reads as follows:—

"This Council places on record its sense of profound grief at the sudden and tragic death of Deshbandhu Chittaranjan Das, Member of the Bengal Legislative Council, whose sacrifices and organising abilities in the cause of India's freedom in general and of the right constitution and growth of the legislative bodies in India in particular were unique and unparalleled in the modern history of India."

Sir, before I offer my remarks on the resolution proper, allow me to express my sense of thankfulness to you for permitting me to move the resolution. A time there was, when a similar resolution was disallowed some five years back by the then President of this House, namely, the resolution regarding the tragic death of the late Lokamanya Tilak; and the permission that has been granted by you to move the present resolution therefore clearly indicates a desirable change of heart in proper quarters.

Now, as regards the resolution itself, so much has been written and said about the manifold qualities of the late Deshbandhu Das that I do not propose to detain this House very long. The news of the death of Deshbandhu Das came upon the whole country almost as a bolt from the blue. In Deshbandhu Das the country has lost not only a poet of fine imagination, and a lawyer of exceptional brilliance, but what is more a politician of unique mental equipment and unparalleled selflessness,

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and a leader of manly fight in him. So far as the Swaraj party is concerned, I may at once say, and say truthfully, that in him it has lost a perennial source of inspiration. He was one of those few who brought into existence this party and gave it the prestige and position which it now occupies in the politics of India. I may further say that not only India, but for the matter of that the whole British Empire, has been the poorer by his sad demise. He died at a time when his services were absolutely needed for bringing about, if possible, a rapprochement between the rulers and the ruled in this country. With these remarks I place the resolution before the House and commend it to its acceptance.

Question proposed.

Mr. R. G. PRADHAN (Nasik District): I rise, Sir, to associate myself with this resolution of condolence. As my honourable friend Mr. Bhopatkar was delivering his speech I noticed that some of the official members left the hall. I fail to appreciate the taste which they showed in doing so.

Sir, much has been said about the late Mr. Das, and his eminent qualities of the head and the heart have won general appreciation. There is one aspect, however, of his complex and versatile personality to which I may be permitted to refer. He has been identified with a policy which, at all events ostensibly, is a policy of unreasoning and indiscriminate obstruction. But on a careful and fair analysis of his mental equipment, meaning by that expression, his qualities both natural and acquired, it is impossible not to discern in his personality the elements of a constructive bent of mind. (Hear, hear.) That constructive bent of mind was evidenced in various ways. It was evidenced by a notable achievement of his, an achievement which however made him liable to vigorous attacks in certain circles, I mean the Bengal Hindu-Muslim Pact. Opinions may differ as to particular provisions of that Pact, but it seems to me that that Pact illustrates his wide statesmanship and his desire to bring about unity between the two great races of this country. His constructive bent of mind is also to be seen in the various projects he had in mind to promote the mental and moral condition of the dumb millions of this country, and opinion is unanimous that as the Mayor of Calcutta he exerted his utmost to promote the moral and material condition of the people inhabiting that great city. Whatever differences some people may have with his policy—I have my own differences—with the particular attitude which he adopted with regard to the Reforms, there can be no doubt that he was a great leader, and I, for one, think that if Providence had not taken him away from our midst so prematurely, his experience obtained from increasing acquaintance with the realities of the political situation in this country would have led him to reconsider his policy; and as a matter of fact in his famous Faridpur speech he showed signs of a reconsideration of his policy. In that speech he offered the olive branch, but I regret to see that the offer which he made to Government has not received that sympathetic and cordial response from Government to which it was entitled. I do hope that things will improve all over, both in his own party and also in the

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Government, and that in the near future better relations between the Government and the people will be restored.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, on behalf of the Swaraj party I associate myself with the sentiments of profound grief expressed in this resolution and in the speech of the honourable mover made in support of the same.

Mr. A. N. SURVE (Bombay City, North): Sir, in India the number of sincere workers is very small. Therefore even if one such is removed, it is a great loss to the country. As a man, the departed gentleman had very good qualities of which any Indian can be proud and which any and every son of India should try to emulate. As regards his political opinions, perhaps we may differ, but there were indications especially in his last speech at Faridpur which gave grounds to believe that he was coming round to that view which was for the real welfare of India and in course of time perhaps he may have reached to that view which would lead India to its ultimate goal "Swaraj". Sir, I associate myself with the sentiments expressed in this resolution and express my deep felt sympathy for the members of his family at their bereavement.

The Honourable Sir MAURICE HAYWARD: Mr. President, I associate myself entirely with this resolution and offer my sincere sympathy in particular to my friends the members of the Swaraj party, on behalf of the benches of Government.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, as a representative of the Mahomedan community, lest my silence may be misunderstood, I get up and associate myself entirely and cordially with the views which have been expressed in the resolution before this House and in the speeches made by previous speakers. Sir, the deceased patriot was a very great and sincere friend of the Mahomedan community, as has been shown on occasions in the Bengal Council where he had received the sympathy and support of the Mahomedan community, and I particularly admire his moral courage and his political wisdom in bringing about the Bengal Pact between Hindus and Mahomedans when that act of his was extremely unpopular among some of the members of the Hindu community. India requires such patriots and such leaders and I hope and trust that the Swaraj party will follow in his footsteps. With these words, Sir, I express my deep sympathy with the sentiments expressed in this resolution.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, on behalf of the Maratha community of this presidency, I fully endorse the sentiments expressed in the resolution as regards the untimely and sad death of Mr. C. R. Das. During the last 40 years of political life of this country, in matters of real self-sacrifice and real love of his country and in equal mindedness to all, Deshbandhu Das was almost the only man after the late Lokmanya Tilak. All communities and parties have expressed profound grief at the Deshbandhu's death and his life-

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history will shortly be available to his countrymen. So, it is not necessary for me to say much at this time, and on behalf of the Marathas of this presidency and as a member of the Swaraj party, I offer my hearty support to this resolution.

Mr. S. K. BOLE : Sir, I fully associate myself with the views expressed by the previous speaker on this resolution. Mr. Das was a great friend of Labour. He once presided over the deliberations of the All-India Trade Unions Congress and he wanted to remove all social inequalities by means of inter-marriages between the Brahmins and non-Brahmins. Besides that, he had great schemes for the improvement of village panchayats. He lived a life of self-sacrifice and I think no one of the so-called patriots, whether present or past, would come up to his mark. He has given up not only his lucrative practice, but he has given away for charity almost all his property. The example that has been set by him is worth imitating. With these words I support the resolution.

Mr. V. N. JOG (Dharwar District) : Sir, on behalf of the Karnatak, I heartily associate myself with the sentiments contained in the resolution.

Mr. R. S. NEKALJAY : As a nominated representative of the depressed classes, I fully associate myself with the resolution that has been moved by my honourable friend the honourable member Mr. L. B. Bhopatkar.

The Honourable the PRESIDENT : Before putting the resolution to your vote, I should like to associate myself wholly with all the speakers who have expressed the country's grief at the sad loss which India has sustained by the death of Mr. Das. All great lives are typically good examples for emulation and imitation. The guiding principles of Mr. Das's life were service and sacrifice. When I use these words I wish it to be realized what deep significance there is in them in view of the life which Mr. Das led. If the extent of grief which has permeated throughout the country leads to an earnest endeavour on the part of the people of India to emulate his example, his life will not have been lived in vain.

I whole-heartedly share the sentiments to which expression has been given and I join in sympathising with the family of the deceased for the heavy loss which they have specially sustained along with their countrymen throughout India.

I will now put the resolution to your vote and ask you to stand up in your seats and pass it in solemn silence.

Question put and carried unanimously, all honourable members rising in their seats.

Mr. P. G. JOSHI (West Khandesh District) : Sir, before we proceed further, I wish to bring to your notice certain omissions in the agenda. I am referring to the notice of my motion further to amend the District Municipal Act, 1901. The next omission I am referring to is the motion of my honourable friend Mr. Bhopatkar to ask for leave to introduce a bill to further amend the Village Panchayats, Act. So far as I am concerned, I have observed all the formalities required under the Rules and Standing Orders. If there are sufficient reasons for such omission I

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should like to know them. If there are no sufficient reasons I would request you to include my motion as well as my honourable friend Mr. Bhopatkar's motion in the agenda.

The Honourable the PRESIDENT : I am glad that the honourable member has drawn my attention to a procedure which is at present under my very careful consideration. Honourable members are aware that certain restrictions in the matter of sanction are laid down in the Government of India Act and the rules made thereunder. Bills dealing with central subjects require the previous sanction of the Governor-General. Bills affecting the revenues of this presidency require the previous sanction of His Excellency the Governor under section 80C of the Government of India Act. The procedure that was followed up to now was that when bills were received from non-official members they were sent to Government and if nothing was heard from them the bill was put on the preliminary agenda.

The legal aspect of the question has since been carefully examined. It appears that, according to the ruling which Sir Narayan Chandavarkar gave, the position in regard to admission of bills is that the President is only the penultimate authority in deciding whether sanction is necessary or not, the ultimate authority being the sanctioning authority, either the Governor-General or His Excellency the Governor as the case may be. If the bill was put on the preliminary agenda and if it was subsequently found that previous sanction was required, the notice received from honourable members becomes automatically invalid under the Standing Orders, and therefore in the final agenda that bill is not inserted. The preliminary agenda is supplied in order to facilitate honourable members to have notice of the business which is likely to be brought forward. Complaints were received from honourable members living as far distant as Sind, Hubli, Dharwar and Northern Gujarat that if the agenda paper was issued three days before the Council session as required by the Standing Orders, they would not receive it at their places, because in most cases the agenda posted to their addresses would not reach them in time, before they left their homes in order to come here. The result is that the post containing the agenda crosses honourable members while they are travelling to arrive here to attend the Council sessions. In order to meet this difficulty the practice of issuing preliminary agenda was adopted. The first preliminary agenda is issued one month before the date of the session. The second preliminary agenda is issued 15 days before that date. This is specially done to meet the convenience of honourable members. Everything that appears in the preliminary agenda is not necessarily the business that will be transacted. According to the Standing Orders the Secretary is required to send to honourable members a copy of the agenda paper three days before the date of the session containing items on which motions can be moved. Therefore, very strict care is to be taken in the issue of the agenda which is published according to the Standing Orders.

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The question of sanction is a very complicated one as honourable members from their own experience must have realized. At present the question is under my consideration. It is desirable to lay down certain principles which will so facilitate matters as to obviate the necessity of publishing bills which have not received the required sanction. Due facilities for obtaining sanction will as far as possible be given to honourable members by giving intimation to them in time to enable them to move in the matter. Honourable members will be consulted before any definite decision is arrived at in regard to sanction. Honourable members are aware that the President has not the power of definitely deciding whether sanction is required or not. After he reaches a decision it will be communicated both to the honourable member and to Government, and, if a difference of opinion arises, a reference will be made to His Excellency the Governor or His Excellency the Governor-General, as the case may be, for his decision which under the rules is final.

In the case of the present agenda two bills which required sanction and which had been printed in the preliminary agenda have been omitted from the final agenda, because of the restrictive provision in the Standing Orders that only those items shall appear in it on which motions can be moved. Now, if the notices about these bills are invalid for want of sanction, no motion can be moved in regard to them, and therefore they cannot obviously be placed on the agenda. For these reasons, both these bills have been removed from the agenda. I wish to repeat that the whole question is under close examination, and I hope that honourable members will be satisfied with the procedure that will be laid down for their future guidance.

Mr. L. B. BHOPATKAR : Sir, are we to take it that sanction has been refused or that intimation has not yet been received by the Council Office?

The Honourable the PRESIDENT : The honourable member can read the Rules and Standing Orders. They say that notice of a private bill which is not accompanied by a copy of the sanction required is invalid. In both these cases, it has been pointed out that previous sanction was required, and as no previous sanction was annexed to the notices, those notices were declared invalid and they have not been put in the agenda. But as regards the future, a procedure will be laid down which will considerably facilitate the bringing forward of private legislation by honourable members.

**BILL No. II OF 1924 (A BILL FURTHER TO AMEND THE
BOMBAY LAND REVENUE CODE, 1879).**

The Honourable Mr. LALUBHAI SAMALDAS : Sir, I beg to withdraw Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879).

Bill withdrawn.

**BILL No. XII OF 1924 (A BILL TO PROVIDE FOR THE
COLLECTION OF STATISTICAL INFORMATION
FOR PUBLIC PURPOSES.)**

The Honourable Mr. COWASJI : Sir, I propose that Bill No. XII of 1924 (A Bill to provide for the collection of statistical information for public purposes) be postponed.

Bill postponed.

**BILL No. XXI OF 1924 (A BILL TO MAKE BETTER PROVISION
IN THE CITY OF BOMBAY AND ELSEWHERE IN THE BOMBAY
PRESIDENCY TO PREVENT THE ADULTERATION OF ARTICLES
OF FOOD AND THE SALE OF SUCH ADULTERATED ARTICLES.)**

(As amended by the select committee.)

The Honourable Mr. B. V. JADHAV : Sir, I rise to present the report of the Select Committee on Bill* No. XXI of 1924
Second Reading. (A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles.)

I move that the bill as reported by the select committee be read a second time.

Bill read a second time. Question put and carried.

Bill read clause by clause.

Clause 1 (short title extent and operation) ordered to stand part of the bill.

Clause 2 (Definitions) ordered to stand part of the bill.

Clause 3 (Prohibition of mixing of food with injurious ingredient or selling the same) and (Exemption in case of proof of absence of knowledge) ordered to stand part of the bill.

Clause 4 (Prohibition of sale or manufacture for sale of food not of the proper nature, substance or quality.)

(1) Any person who sells or causes to be sold or manufactures, offers or exposes for sale any article of food which is not of the nature, substance or quality which it purports to be shall be punished for every first offence with a fine which may extend to two hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

(2) Provided that no offence shall be deemed to have been committed under this section, in the following cases, that is to say—

(a) where any matter or ingredient not injurious to health has been added to the article of food because such matter or ingredient is required for the production or

*Vide Appendix A.

preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof ;

(b) where—

(i) any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food, or ;

(ii) any article of food is composed of any matter or ingredients not injurious to health and, before the sale thereof, the seller has brought to the notice of the purchaser, by means of a label conforming to such conditions as may be prescribed by rules in this behalf, the fact that such matter or ingredient has been so added, mixed or abstracted or the article is composed of such matter or ingredients.

Explanation 1.—Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be.

Explanation 2.—The presence upon any premises used for the manufacture of any article of food of any such article shall, until the contrary is proved, raise a presumption that such article was manufactured for sale.

(3) In any prosecution under this section it shall be no defence to allege that the seller was ignorant of the nature, substance or quality of the article of food sold by him, or that the article was not defective in all three respects, namely, nature, substance and quality ;

Provided that the seller shall not be deemed to have committed an offence under this section if he proves to the satisfaction of the court—

(a) that the article sold was purchased by him as the same in nature, substance and quality, as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality ;

(b) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid ; and

(c) that he sold it in the same state in which he purchased it.

Dr. M. M. MEHTA (Surat City) : Sir, the original amendment that stands in my name runs thus :

“ In clause 4 (2), Explanation 1, after the words ‘ ghee or butter ’ insert the words ‘ or any articles which includes either of these words ’.”

I beg to alter my original amendment and move it in the following terms :

“ In clause 4 (2), Explanation 1, after the words ‘ ghee or butter ’ in the first line insert the following words : ‘ or any article which is so denominated as to convey an idea as to the qualities of ghee or butter ’.”

The Honourable the PRESIDENT : I think it is all right. There is one aspect of this question to which I should like to draw the attention of the House. I have repeatedly extended indulgence to honourable members in the matter of allowing amendments to legislation received later than the time limit imposed by the Standing Orders. This bill was

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published so early as February, and I have received notice of this alteration of the amendment only to-day. There is another amendment from another honourable member who has also sent it in only to-day. I cannot possibly allow it. It is not fair either to the House or to Government benches. Personally I would prefer the honourable member (Dr. Mehta) moving the amendment as it stands on the printed agenda, but as the same principle underlies both the original amendment and the altered one, I should like to know whether the House would permit him to make that alteration in the amendment. Is there any objection? (After a pause) As there is no objection, I will allow him.

Dr. M. M. MEHTA (Surat City): Sir, I beg to move:

"In clause 4 (2), Explanation 1, after the words 'ghee or butter' in the first line, insert the following words: 'or any article which is so denominated as to convey an idea as to the qualities of ghee or butter.'"

Sir, under the name of ghee or butter various articles are sold in the market which contain absolutely no ghee whatever. The explanation as it stands reads:

"Ghee or butter which contains any substance not exclusively derived from milk."

If that is allowed to remain as it is, without this amendment, then those articles which are passed off under the name of ghee or butter but which do not contain a drop of either of these articles will escape the provisions of this law. It is to bring them under this law that I move this amendment. I hope my object is quite clear and does not require any further explanation from me. Sir, I therefore move this amendment and I hope it will be accepted.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I support the amendment. I think, Sir, that large quantities of injurious stuff from Holland and other European countries are imported, and further they are distributed into several villages. I learn some agriculturists buy that stuff, they put it into their ghee and then again they sell it as pure ghee. That is one aspect of the case. Another aspect is that the merchants themselves mix it with ghee and sell it as ghee. So, in order to prevent the use of the imported article being utilised as ghee, this amendment has been brought by my honourable friend Dr. Mehta. But I think if the amendment is worded in this manner, it would obviate the difficulties which you, Sir, suggested: "Any article so denominated as to convey the idea that it is derived from milk".....

The Honourable the PRESIDENT: The honourable member cannot move an amendment to the amendment now. He can only support the amendment.

Rao Saheb D. P. DESAI: Then, I would rather stick to the amendment as proposed by my honourable friend Dr. Mehta.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I rise to oppose the amendment as it is, because it conveys no sense to any legal man. I will read the explanation, that is, "Explanation 1" which follows clause 4.

"Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be."

Now, to that this amendment is proposed:

"Ghee or butter or any article which is so denominated as to convey an idea of its being ghee or butter."

These words "as to convey an idea of its being ghee or butter" no judge, no magistrate, no court will be ever able to interpret. "To convey an idea", to whose mind? To the mind of the public consuming, or to the mind of the court punishing, or to the mind of the judge deciding an appeal? "Convey an idea of its being ghee or butter or a greasy substance, and so on". Coconut oil and many other substances are greasy substances but are not derived from milk. So far as the non-derivation of the article from milk is concerned, it is already provided for in the Explanation 1. "Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be". Therefore, to say any article which is likely to come under the denomination of something which may be interpreted by different persons as ghee or butter is indefinite and vague, and I may even go so far as to say illegal—not illegal—for inserting in any section. The very fact that no judge, no magistrate, no court, will be able to interpret these words is a sufficient refutation as to the advisability of this amendment.

Dr. M. M. MEHTA (Surat City): I think, Sir, my amendment is very clear. The explanation states: "Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be". Here, Sir, ghee or butter forms one of the principal items. When one of these articles contains any substance not exclusively derived from milk, then only it would come under the "Explanation". But there are good many articles in the market which are not at all derived from milk or butter and contain absolutely no atom of milk and still they are sold under the same or similar denominations. They are excluded from this "Explanation". It is, therefore, that this additional explanation is necessary and so I have proposed the amendment.

The Honourable Mr. B. V. JADHAV: Sir, as has been explained by the honourable the Deputy President, the amendment moved, I am constrained to say, does not make any sense. I fully understand what my honourable friend the member from Surat wants to import in the bill and I sympathise generally with his object. But the words he has proposed for the amendment, I am sorry to say, do not convey the meaning and therefore I am obliged to oppose this amendment.

Question put and lost.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move that

"In clause 4, sub-clause (3), proviso (a), line 1, add the word 'or obtained as agent' after the word 'purchased'."

[Mr. R. G. Soman]

I propose this amendment only with a view to include the case of a seller who is himself an agent and who has obtained the article under some agency contract from the original owner. So, if he has obtained that article as an agent, then when he sells the article, he should also get the immunity which this clause provides in the case of a seller who has himself purchased the article from the original manufacturer.

Question proposed.

The Honorable Mr. B. V. JADHAV : I accept the amendment, Sir.

Question put and carried.

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

Clause 5 (*Penalty for false warranty*).

Any person who in respect of an article of food sold by him as principal or agent gives to the purchaser a false warranty in writing shall be punished for every first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I want to know from the Government benches whether this clause is intended to be applicable to the Indian manufacturer only, or whether it is intended to be applicable to the foreign manufacturer also who exports tinned goods into this country. So far as the health of the public is concerned, I think the food manufactured in foreign countries and imported into this country is as injurious as the food which is manufactured in this country. Supposing that certain tinned food from a foreign country is imported into this country, the seller of the goods in Bombay under his warranty is liable. Therefore, I want to know whether any provision has been made for the safety of the public not only from the foods which are manufactured in the city of Bombay, but also about the more dangerous foods manufactured in foreign places. I think that unless such a provision is made, the object of the Act will not be served at all.

The Honourable the PRESIDENT : I should like to interrupt the honourable member because I find that there is some misconception in regard to discussion on legislation. From the tenor of the speech of the honourable member, I understand that he criticises the general principle underlying clause 5. Does the honourable member wish to oppose the retention of the clause ?

Mr. K. F. NARIMAN : I want to criticise it.

The Honourable the PRESIDENT : I wish to explain the position for the guidance of honourable members. The kind of speech that the honourable member has so far made is quite relevant on the second reading of a bill, when in dealing with the bill as a whole he can point out the defects contained not in one clause alone, but in various parts of the bill. That stage is now passed. At present, all that he can do is, to oppose the retention of this clause in the bill, that is, vote against the motion that clause 5 do stand part of the bill. Honourable members should avail themselves of the opportunity that the rules and standing orders provide to deal with the matter in the way that the honourable member Mr. Nariman has done, on the

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second reading. I merely want to indicate what the procedure really ought to be. The honourable member would be relevant only if he wishes, in view of the defects that he has pointed out, to oppose the retention of this clause in the bill.

Mr. K. F. NARIMAN: That is my position, Sir. I want to oppose the retention of the clause in the bill on the ground that it is defective, and it is not made applicable to all the persons who commit offences.

The Honourable the PRESIDENT: Then the honourable member should have sent in a notice of amendment.

Mr. K. F. NARIMAN: I want to oppose the whole measure. I might point out that on a previous occasion when I discussed generally the principles of the bill on the second reading, I was informed that there would be improvements in the clause. I think it is sufficient ground to oppose the clause as it stands. I think I have shown sufficiently good and strong grounds for the opposition. I do not want the clause to be passed as it is, for I think there ought to be protection for the public not only against the manufacturer of foods in India, but also in the case of tinned foods imported from foreign countries. I think honourable members on both sides of the House will agree that the tinned foods which come from foreign countries are of greater danger to the public than those manufactured in this country. Therefore, unless Government gives an undertaking to amend the clause to such an extent as to make it applicable to the classes which I have referred to, I should like this House to oppose the clause. Otherwise, while the manufacturers of foods in India will be penalised, those who manufacture tinned foods in foreign countries and export them to this country will be quite free to do so. On these grounds, I oppose the clause altogether.

MOULVI RAFI UDDIN AHMAD (Central Division): Sir, I think that my honourable friend from Bombay (Mr. Nariman) is doing rather an injustice to this clause. He says that the foods manufactured in foreign countries will not be touched by this clause, and therefore he wants us to oppose the clause. I think the best way for him would have been to move an amendment to include the articles which he has referred to, or else to bring in an amending bill. I think his position is altogether wrong in saying that this clause as it stands should not be supported. How can Government give an undertaking at this stage? In the clause there is absolutely no mention of either Indian or foreign foods. So, what undertaking can be given?

Mr. K. F. NARIMAN: Let Government speak for themselves.

MOULVI RAFI UDDIN AHMAD: The honourable member says, let Government speak for themselves. Well, Sir, in making legislation, we are the Government for the time being, and we are making legislation. Therefore, from every point of view I think honourable members would be justified in being reasonable. I therefore think that the objection taken by the honourable member from Bombay (Mr. Nariman) is not very sound, and honourable members will not oppose this clause,

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I do not agree with my honourable friend Mr. Nariman that this clause will not touch foreign foods. The responsibility for the articles, whether manufactured in India or in a foreign country, rests with the agent who sells them, and he will be taken hold of under the clause, and if the seller sells articles manufactured in a foreign country under a false warranty, he must be prepared to face the penalty which will be imposed upon him. I think it is far better that the clause should be retained as it is.

The Honourable Mr. B. V. JADHAV: I have nothing to add in reply.

Clause 5 ordered to stand part of the bill.

After recess.

Clause 6 (*appointment of public analyst*).

(1) Save as provided in sub-section (2) the Government of Bombay may by notification in the *Bombay Government Gazette* appoint any qualified person possessing skill and experience to be a public analyst for the purpose of the Act for any local area.

(2) The Corporation of the City of Bombay may appoint any such person to be a public analyst for the purpose of the Act for the City of Bombay.

The Honourable the PRESIDENT: Order order.

Question is that clause 6 stand part of the bill.

The first amendment to clause 6 is by the honourable member Mr. Soman.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move my amendment which runs thus:—

In clause 6 line 2 substitute "declare" for "appoint".

I move this amendment with a view to encourage private practitioners to be declared as fit persons to act as public analysts. Government if it employs any public analyst will appoint only paid persons. That is the sense conveyed by the word "appoint" and hence what I say is, that Government should declare in the *Bombay Government Gazette* only more than one man as a fit public analyst and then the corporation concerned—it may be the municipal corporation of the city of Bombay or it may be the municipality of Poona or of Ahmedabad—might appoint any one of these qualified persons as public analysts or even the private persons who want to get their articles analysed may entrust the analysis to any private practitioner who is declared as a fit analyst by Government, and hence I desire that the word "declare" may be substituted for the word "appoint."

Question proposed.

The Honourable Mr. B. V. JADHAV: Sir, I think the word "appoint" is the proper word here, and that the substitution of the word "declare" is not necessary. The sense that is attributed to the word "authorised" by the honourable mover is not accurate. No mention is made of a paid agency in the bill and the word "appoint" in the clause is equally favourable to the appointment of an honorary analyst and therefore I submit the word "appoint" is quite right.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to oppose the amendment moved by my honourable friend the honourable member from

[Sir Vasantao A. Dabholkar]

Satara, Mr. Soman, as well as the whole of clause 6. Perhaps the amendment of my honourable friend will be of some importance to clause 6, because thereby he wants to substitute the word "declare" for the word "appoint" in order that private practitioners may get an opportunity of testing the adulterated foodstuffs which may be sold. But looking at the matter from the financial point of view it will be a burden on the municipal corporation. In addition to the public analyst the honourable mover wants other practitioners also to be given a chance whereby the burden on the municipal corporation is not removed at all, and as such I am going to oppose clause 6.

Sir, even when this bill was framed the corporation was never consulted by Government as to whether they were able to appoint a public analyst. It is all right to say "Appoint public analysts" but it must be remembered that the corporation will have to maintain a laboratory, and I ask Government whether they have gone into question of how much it will cost the municipality to have a laboratory. As soon as this bill was published I gave notice of a resolution in the corporation and the matter has been submitted to a committee in order to make inquiries as to what will be the total cost to the municipal corporation and the corporation has not as yet come to any definite conclusion on that point. Furthermore I should like to point out how in clause 19 which we shall reach later on the municipalities in other parts of the presidency are treated by Government.

The Honourable the PRESIDENT : We are at present dealing with clause 6 and the issue before the house is whether the word "declare" should be substituted for the word "appoint".

Sir VASANTRAO A. DABHOLKAR : Under these circumstances, as the municipal corporation of Bombay have not been able to form any idea of the expenditure falling upon the corporation and as the Honourable Minister has not given us to understand what will be the contribution of the corporation towards the maintenance of the laboratory and the public analyst, in the interests of the corporation I oppose clause 6.

Mr. HOOSAINBHAY A. LALLJEE (Bombay City) : Sir, I join with my honourable friend Sir Vasantao Dabholkar in opposing clause 6. We have had the experience of collecting such funds where Government ask the municipality to collect the rate of compensation and the municipality had to pay for the staff for collecting those funds. Here again we are being burdened with this appointment, and unless and until we are given to understand what burden we have to bear, we do not want that we should be burdened with this duty. As my honourable friend Sir Vasantao Dabholkar told this house the corporation is considering this matter, and unless and until the corporation has decided to take upon themselves this burden, it is not fair for Government to burden them, and I therefore do hope that Government will drop this provision until the corporation have arrived at a decision in this matter.

Dr. M. B. VELKAR (Bombay City, South) : Sir, the Honourable Minister of Education told us that there is no difference between the

[Dr. M. B. Velkar]

word "appoint" and the word "declare" which is suggested by the amendment of the honourable member for Satara, Mr. Soman. I beg to point out to the House that the words "appoint any qualified person possessing skill and experience to be a public analyst" distinctly mean that Government want to make only one or two appointments. The purpose of the amendment which is moved by my honourable friend from Satara, Mr. Soman, is this, that Government should declare any person who is qualified to be a chemical analyst. It means that Government will declare so many persons. The idea is to keep the door open to all qualified persons to be public analysts. That is the point of the amendment.

Dr. M. M. MEHTA (Surat City) : Sir, I would request my honourable friend from Satara to accept my amendment, because I think that the word "declare" does not signify the whole meaning. The word "authorize" I think is a much better word because by declaration a person does not get a sufficient authority behind him. Declaration means a simple announcement by Government, while "authority" means authority derived from Government. The word "authorize" may signify both the terms. So I would request my honourable friend from Satara to accept my amendment and then I would have no necessity of moving my amendment.

The explanation given by the honourable member for Satara Mr. Soman, is clear. Any person who is a graduate of science or medicine will be quite competent to take up this analysis. "Appoint" means necessarily, as my honourable friend has explained, a salaried appointment. A salaried appointment will burden the municipalities and local bodies unnecessarily heavily. It is therefore better that instead of the word "appoint" the word "authorise" should be substituted, and I would request my honourable friend Mr. Soman to accept the word.

Mr. C. W. A. TURNER : Sir, I would like to point out to the House that there appears to be some misapprehension in the mind of the honourable member who has just spoken as to the meaning of the word "appoint." Government "appoint" honorary magistrates but that does not mean that they are salaried officers of Government. Government as a matter of fact appoint many people without salaries, and it is ridiculous to try to mislead the House by saying that the word "authorise" is a better word to use than the word "appoint".

I would then also like to point out to the House that the select committee's report is dated 20th September 1924, but up to this date we have seen no protest made by the Bombay Corporation nor have we heard anything from them in regard to this section. They have not troubled even to drop us a line to show what their ideas are on the subject.

I would then also point out to the House that if this section 6 goes then the whole of the bill may as well go. Without this section as regards the appointment of a public analyst, how is it possible to enforce the Act in Bombay ? I ask the House to consider this point very seriously,

(Mr. C. W. A. Turner)

namely, without this clause 6 all the various clauses of the bill become useless.

Dr. M. K. DIXIT (Surat District): Sir, I am surprised at the speech of the honourable member, the General Secretary, in which he said that my honourable friend to my left (Dr. Mehta) was making a ridiculous attempt to mislead the House. Nothing of the sort. I think the honourable member Dr. Mehta's contention is very clear and perfectly reasonable. The honourable member, Dr. Mehta, told us that the word "appoint" means "appointing one or two people". Usually the word "authorise" is far better than the word "appoint". When you use the word "authorise" you say "authorise a particular set of people or a particular class of people"; you can appoint one, two, or three or four or even ten men only, while the gentleman who has moved this amendment and the other honourable member who has another amendment in his name want to convey the idea that you can authorise a particular class of men who are qualified to do the work, viz., men qualified as graduates in science or medicine. It is nothing like an attempt to mislead the House at all.

Mr. R. G. SOMAN (Satara District): Sir, my honourable friend opposite said that the word "appoint" and the word "declare" have one and the same meaning. If that is so, I really do not understand the opposition of Government to the word which I suggest. If their intention is quite clear and they are going to only declare in the *Government Gazette* that a certain person is fit to be a public analyst, if that is the only intention of Government, then certainly there can be or should be no objection to accepting the word "declare" in the place of the word "appoint". As to the other argument of my honourable friend Dr. Mehta, I submit that so far as the word "authorise" is concerned, I for one am quite willing to accept that word, but I have moved another amendment which follows the one I have just moved and in that I have inserted the word "fit" before the words "public analyst", and I have also moved for the omission of the words "possessing skill and experience" and I am only retaining the word "qualified". So it is not that "authorise" would not serve the purpose or "declare" has any special meaning. It is not that I differ from the honourable member Dr. Mehta in the intention which he has in his mind and I am entirely at one with him when he says that the door should be open to private practitioners and that more than one man should be declared or appointed by Government. One of these may be appointed either by the corporation which is concerned or by the corporation of Bombay, if at all the Bombay corporation is to be affected by the provisions of this section. So far as the interests of the Bombay corporation are concerned, my amendment does not come in their way at all. The advocates of the cause of the Bombay corporation seem to be afraid that they may be saddled with financial responsibility so far as the services of the public analyst are concerned. The fight between the Bombay corporation and Government centres round the financial burden and therefore so far as the Bombay corporation is concerned, their cause should not come in the way of the amendment which I suggest.

[Mr. R. G. Soman]

I am prepared to accept the amendment of my honourable friend Dr. Mehta and I submit that instead of "declare" even the word "authorise" may be inserted. I beg permission of this House to withdraw my amendment in favour of the amendment moved by Dr. Mehta.

Question put and leave granted.

Dr. M. M. MEHTA (Surat City): Sir, I formally move the following amendment :—

"That the word 'authorise' be substituted for the word 'appoint' in clause 6, sub-clause 1."

Question proposed.

The Honourable Mr. B. V. JADHAV: Sir, I myself and the honourable member, the General Secretary, have explained that the meaning of the word "appoint" is really the same as the meaning of the word "authorise", and that appointment does not necessarily mean the appointment of a paid officer. I have nothing more to add to that and I think the word "appoint" is a better word than the word "authorise".

Question put. House divided. Ayes 28; Noes 43.

Amendment lost.

Division No. I.

Ayes.

ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
BHOYPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIKIT, Dr. M. K.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
LALLJEE, Mr. HOOSEINBOHY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.

NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PRADHAN, Mr. G. B.
PUNJABHAI THAKERSI, Mr.
SAHEBA, Mr. H. D.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes: Dr. M. B. VELKAR and Dr. M. M. MEHTA.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABERCROMBIE, Mr. J. R.
ATHALE, Mr. S. N.
BARLEE, Mr. K. W.
BHURGEI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DEHLAVI, the Honourable Mr. A. M. K.
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE

HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, Sardar G. N.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
OWEN, Mr. A. C.
PETCH, Mr. F. W.
RAHMTOOLA, Mr. HOOSEENALLY M.

Nees—contd.

SARDESAI, Mr. S. A.

SHANKARRAO JAYARAMRAO ZUNZARRAO,

Mr.

SURVE, Mr. A. N.

THOMAS, Mr. G. A.

TURNER, Mr. C. W. A.

WADIA, Mr. N. N.

WILES, Mr. G.

WOODS, Mr. E. E.

Tellers for the Nees: Sir LAWLESS HEPPEL and Mr. C. W. A. TURNER.

Dr. M. M. MEHTA (Surat City): Sir, I move:

"That after the word 'possessing' add 'a degree or a diploma in Science or Medicine of any recognised University and knowledge of analytical work required by this Act'."

The Honourable the PRESIDENT: Does the honourable member wish to substitute these words for the words "skill and experience" or does he wish to add those words to the words "skill and experience"?

Dr. M. M. MEHTA: I want those words to be substituted for the words "skill and experience".

The Honourable the PRESIDENT: Then move the two amendments together, as your next amendment fits in with this.

Dr. M. M. MEHTA (Surat City): Sir, I beg to move:

"In clause 6, sub-clause (1) for the words 'skill and experience' the following words be substituted after the word 'possessing': 'a degree or a diploma in Science or Medicine of any recognised University and knowledge of analytical work required by this Act'."

I move this amendment with the idea to make the clause more definite. The words "skill and experience" are very vague. It may be that a man who is considered by Government to possess "experience and skill" may not possess the necessary qualification which is required for the work he is called upon to do under this Act. A local board or a municipality may consider that a man possesses "skill and experience" but he need not necessarily possess those qualifications which alone would fit him to do the work efficiently. In order to remove the ambiguity, I am moving the substitution of following words in place of "skill and experience": "a degree or a diploma in Science or Medicine of any recognised University and knowledge of analytical work required by this Act".

Question proposed.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support this amendment of my honourable friend Dr. Mehta. In doing so I wish to point out that these words "skill and experience" are really dangerous words and that we see in daily administration that under the guise of these words "skill and experience" persons who are not fit are brought in and given charge of particular posts. Therefore I think that the amendment proposed by my honourable friend ought to be accepted by the House.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I rise to oppose this amendment. If honourable members look at clause 6, they will find that "any qualified" man will be appointed to the post. That means he must possess either a diploma or a degree of a university, and the word "qualified" does not mean any ordinary layman. Further, the clause says that in addition to qualification he must possess "skill and experience". That is to say, the clause goes further than the

[Khan Bahadur Shaikh Ghulam Hussain]

amendment proposed by my honourable friend Dr. Mehta. My honourable friend wants that he should possess a degree or diploma only, but the clause provides that he should not only possess a diploma or degree, but must possess skill and experience also.

Dr. M. M. MEHTA (Surat City): Sir, my meaning is perfectly clear. The word "qualified" does not necessarily mean that he should possess a university degree. It is for that reason I have substituted those words in my amendment. Furthermore a university man necessarily possesses "skill and experience". And therefore these words are unnecessary. Therefore, I want to delete those words. A graduate of five years' standing may be considered by one as not possessing skill and experience, but a graduate of only one year's standing may be considered by another as possessing the necessary skill and experience. Therefore, it is in order to remove such distinction that I move for the deletion of those words. Those words "possessing skill and experience" have been unnecessarily put in. Furthermore, I want to add "and knowledge of analytical work required by this Act," because if a graduate of the university is not considered to have sufficient training in analytical work, he may put in a year in a laboratory to undergo a post-graduate course and get himself fully qualified for the work. Therefore, my amendment, taken as it is, will serve the purpose I have pointed out.

The Honourable Mr. B. V. JADHAV: Sir, I rise to oppose the amendment. There are certain dangers in accepting the amendment which I want to place before the House. As my honourable friend (the Honourable Khan Bahadur Shaikh Ghulam Hussain) has pointed out, the word "qualified" is quite sufficient to convey the meaning which the honourable mover of the amendment wants to convey by the words "possessing a degree or a diploma in science or medicine of any recognised university": "qualified" is moreover a simpler word. At the same time, the words "possessing skill and experience" have been put in the bill. As everybody knows in the medical college or the science college, analysis of a sort is taught, but it does not follow that every science graduate or medical graduate is an expert analyst. Analysis requires a great deal of skill and also experience on the part of the analyst if the analysis is to be of any practical value, and the passing of any examination for a degree or diploma in science or medicine does not necessarily fit the possessor of the degree or diploma to be an expert analyst. That is why the words "possessing skill and experience" have been specially put in. The certificate or otherwise of a public analyst is to be the sole evidence for the conviction or acquittal of an accused person, and for that purpose these experts ought to be very carefully chosen, and what is required is that they ought to possess the necessary qualifications, that is theoretical knowledge, and at the same time they must have skill and experience in the special work, that is practical knowledge. Therefore, I think that the words in the section are quite right.

Further, what the other amendment requires is that these graduates should have "knowledge of analytical work required by this Act",

[Mr. B. V. Jadhav]

Well, that is not sufficient. A person who has taken a degree in science or medicine has some knowledge of analytical work, but that knowledge is not sufficient to make him an expert analyst. Therefore, something more than a mere knowledge of analytical work is desirable. The words "required by the Act" are meaningless, because this bill does not lay down any particular qualification or any particular standard of knowledge for doing analytical work. Therefore, I have to oppose this amendment.

Question put and lost.

The Honourable the PRESIDENT: The next amendment is from Mr. Soman. It falls through because the same issue has been settled by the vote on Dr. Mehta's amendment.

Mr. R. G. SOMAN: No, Sir. It is unconnected with Dr. Mehta's amendment. I move for the complete omission of the words "possessing skill and experience."

The Honourable the PRESIDENT: That is to say, you want the words "any qualified person" only.

Mr. R. G. SOMAN (Satara District): Yes, Sir. I beg to move:

In clause 6 (1), delete 8, "possessing skill and experience."

What those words "skill and experience" convey will depend on the individual interpreting those words. I submit that these vague words should not at all be retained in the clause. If the meaning attached to the word "qualified" is as stated by the Honourable Minister, namely that the man ought to possess some degree or diploma in science or medicine, and by that qualification he is to be supposed to have some knowledge of analytical work, I submit that that is quite sufficient, and the words "possessing skill and experience" ought not to find a place in this clause, because they leave sufficient scope for persons to interpret the qualifications differently. I submit, therefore, that my amendment should be accepted by this honourable House.

Question proposed.

Dr. M. M. MEHTA (Surat City): Sir, I support my honourable friend Mr. Soman's amendment to delete the words "possessing skill and experience". As I have already stated, these words have no meaning. If a B.A., LL.B. of the Bombay University, brand new from the university, is considered capable of practising and is allowed to take up all important cases, and in the same way an L.M.&S. or an M.B.B.S. of the Bombay University is allowed to take up all serious cases at once, I do not see why a man fully qualified to do analytical work should not be allowed to take it up at once, and why a distinction should be made in this case and he should be asked to go to some authorities to be judged whether he possesses sufficient skill and experience. The judges who will certify whether he possesses sufficient skill and experience will be different persons than his university examiners and it will depend upon their mentality and mercy to give him the requisite certificate. Therefore, I support my honourable friend Mr. Soman's amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I rise to oppose this amendment. I never expected the argument from a professional man like my honourable friend Dr. Mehta, that a fresh LL.B. is allowed to conduct any case. The question is who is going to entrust a fresh LL.B. with important cases. Will my honourable friend entrust him with such a case? He, Sir, will give such cases to a skilled and experienced lawyer. (An honourable member: Government sometimes entrust). Government never does. Well, Sir, will anybody entrust an important case to a fresh M.B.B.S. or a graduate fresh from a medical college? No: it will be entrusted to a skilled and experienced man. Now, Sir, the draft bill provides that he ought to be a qualified person, that is, that he ought to have the requisite qualifications, and in addition, that he ought to possess skill and experience. Otherwise, this important work may be done by a man who has no skill and experience, but only a degree, and a certificate from him in an important case may end in the acquittal or conviction of an accused person who is charged with a serious offence such as murder. Therefore, it is absolutely necessary that he ought not only to be a qualified man, but ought to have skill and experience as well.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am not surprised at the turn the discussion has taken, when the Honourable Minister for Local Self-Government has confounded a conviction for murder under the Penal Code with conviction under this Act. This is a very simple case of chemical analysis of organic substances like ghee. Even the ordinary analysis done in murder cases and other cases is done by any man who knows ordinary chemical analysis. Processes of a chemical analysis are fixed, the tests are laid down. Now, under those circumstances, I put it before the House and I will put it specially before the Honourable Minister in charge of the bill who is an LL.B. himself and who knows how statutes are interpreted, whether if these words "any qualified person possessing skill and experience", these two terms "skill" and "experience"—come before him as a court of law, he will be able to interpret them in any way. My chief objection is not against the wording—I do not want to appeal to the sense or to the commiseration or the pity of the House with regard to the particular individual to be appointed, because that is entirely for the judges to determine—but I will only appeal to the Minister in charge whether he is prepared as an M.A., LL.B. himself to permit the continuance of vague and indefinite terms like "skill" and "experience", which nobody in the world can define, whose quality or quantity nobody can define, whether he is prepared to allow these vague words to remain on the statute book. If he thinks, if the Honourable the Home Member as a Judge of the High Court or the Legal Remembrancer as the legal adviser of Government thinks, that the words can be interpreted in a definite and regular or specific manner, then let the words remain. If the words cannot be interpreted, then the only word that should remain, the only word that should confer the power of appointing on the Government, is the word "qualified". After all, the declaration is to be made by the Government. After all, the appointment is to be made by the Government.

[Mr. B. G. Pa'alajani]

After all, the sole judge of the appointment, of the actual qualification making a person fit for the appointment, is the Honourable Minister himself, and if it is the function of the Honourable Minister himself to determine the experience and other qualification, to bring them under the word "qualified" is the only correct method. On that ground "qualified" is the only word that ought to remain. "Qualified" includes experience; "qualified" includes skill. What is the meaning of skill? I have never been able to understand; and in the case of chemical analysis—I have passed B.Sc. in chemistry also and I know—where is the skill required? I would like any scientist in this House to tell me what experience means. Because a ramoshi in the Grant Medical College Chemical Laboratory knows the process of analysis better than many people, has he experience? If the word "experience" is there, will the Honourable Minister appoint the ramoshi in the Grant Medical College to be the chemical analyst for the Bombay municipality? Therefore, I say, when the word "qualified" is there, the statute cannot allow words like "skill" and "experience" which are entirely indefinite and which are entirely vague. The word "qualified" gives the Minister sufficient power, gives the Government sufficient power, and under that word Government can pass its orders. But when the words "skill" and "experience" are there, I really fail to understand what "skill" can be. On that ground I say that no words which are liable to be interpreted in a different sense by different persons should be allowed to remain on the statute book. On that ground alone I support the amendment.

Mr. M. R. JAYAKAR (Bombay University): Sir, I rise to support the amendment and that, too, on a distinct ground. I will at once tell the Honourable Minister for Education that the anxiety of the opposition is—and I shall be absolutely frank in this matter—to leave as little power as possible in the hands of Government to make improper appointments. A large number of members on this side of the House, are apprehensive that unless the elected members are careful and modify this clause in the proper way, it is likely to be utilised by Government for foisting upon the local authority incompetent and expensive favourites. Three attempts were made by the opposition to curtail the powers of Government in this behalf. Two were lost, but I hope the third will not be lost. Our first attempt was to substitute the word "declare" or "authorise" for the word "appoint", as the word "appoint", as the Honourable Minister himself admitted, conveys the idea of a salary. But he would not accept the words "declare" or "authorise" though he admitted that they were better calculated to convey the idea that these appointments would not be salaried ones. Having lost there, our second attempt was to put a limit upon the word "qualified" because "qualified" in the eyes of Government means very often unqualified favourites, as we saw this morning with reference to a gentleman on the staff of the Bombay School of Art. I am quoting this case merely to prove that "qualification" in the eyes of Government often merely means a negation of all proper qualifications. This

[Mr. M. R. Jayakar]

morning my honourable friend Rao Saheb Desai asked a question with reference to the gentleman in the local School of Art, as regards his qualifications for holding the appointment of the Inspector of Drawing and Crafts, and it was stated in reply that years ago he was a draftsman in Cairo. Fancy the qualification of being years ago a draftsman in Cairo! Therefore, I will frankly tell the Honourable Minister that the intention of the opposition is to leave no undue power in the hands of Government to foist upon a municipality unqualified persons who hold no degrees or proper qualifications. Very often "qualification" in the eyes of Government means a high recommendation of somebody in the department, who has special reasons for making the recommendation. I can understand, *e.g.*, a graduate or a degree holder as being "qualified". That is definite enough. I can also understand a man with special qualifications as being such. But I cannot understand a man being qualified if he does not possess either of these tests. This is plain enough, but in his perversity, the Honourable Minister would not accept our proposal. And now we are carrying on this last fight in order to prevent Government making costly appointments which are pure jobs. Government now want to be the sole judges of "skill and experience" apart from "qualifications". My honourable friend the Deputy President thought that the idea was tautologous, but my honourable friend the Minister for Education prefers this tautology if he thereby can have more power. Not that Government are not aware of the absurdity, but they want to have in their power a further plea for perpetrating jobs. I therefore appeal to the Honourable Minister not to labour too hard on this effort. Frankly speaking, the opposition want to have clear and definite tests of appointments, and I do hope that the Minister of Education will see the necessity of acceding to the wishes of the popular element in this House.

Mr. A. MONTGOMERIE: Sir, I did not mean to interfere in this debate at all but I merely rise to have explained one or two doubts raised in my mind by the speech of the honourable mover. The honourable member the Deputy President has showed us that analysis is one of the simplest of sciences and that qualification as a public analyst apparently is a necessary concomitant of any degree in science. And he started with one assertion that there could be nothing simpler than the analysis of an inorganic substance like ghee. Like the Deputy President, I too have studied a little chemistry but it is apparently since my days that *ghee* has found its place among inorganic substances.

Mr. B. G. PAHALAJANI: The honourable member the Home Secretary did not follow me correctly. I said "organic" and not "inorganic."

Mr. A. MONTGOMERIE: I say the honourable member said "inorganic." He may have meant organic but the word was also remarked on by some other honourable members. At the same time he informed us that analysis is a matter of no skill. He even suggested that he knew a ramoshi of some College who had merely by his twenty years' service acquired all the skill necessary. I give the honourable member one little problem,

[Mr. A. Montgomerie]

I will give one little problem which he and the ramoshi stood together may possibly solve. I do not know how without any chemical skill he will inform us how for instance such a substance as dextrose can be distinguished from, say, maltose or from glucose used as an adulterant of a common food like malt extract. If he can suggest to me any form of test which he or the ramoshi can employ successfully, then I am willing to admit that neither skill nor experience is required. I have a certain knowledge of public analysts and public analysis is not a matter which an ordinary graduate of medicine or science is in any way competent to effect. It is a matter of long training. A public analyst fits himself for his profession by years of post-graduate work, and no one could be expected to get a post of public analyst unless he had worked for years at the subject. It is an entirely specialist form of work. There are very few men who take up the work of public analysis and do anything else. They serve a long apprenticeship before they can get a post of a public analyst or a consultant analyst. The suggestion of the honourable member that this is a matter in which neither skill nor experience is required is one which I think does not commend itself to anybody who knows anything about analysis.

The Honourable Mr. COWASJI JEHANGIR : Mr. President, I had no intention of speaking on this amendment as my honourable friend reminds me I am no chemist. But I am going to put a common sense point of view before my honourable friends in front of me. Well, Sir, I quite agree in principle with all that has been said by my honourable friend the member for Bombay University. He wanted to make it perfectly clear that he did not desire Government to appoint anybody who was not qualified, and he wanted something inserted in this bill that would prevent Government from appointing a man of their choice who may not have any degrees. That was in short his argument—a very reasonable and a very sensible argument and one which I think Government can support. But what are the words he wants to eliminate. He wants to eliminate the words "skill and experience". But the word "qualified" remains in the bill. The wording is "appoint any qualified person possessing skill and experience". Surely he does not want Government to appoint a man with qualifications but having no skill and experience. He desires that the man should not only be qualified but should have experience and skill. That is I presume what he means, and if therefore those words remain in the bill his point is gained. It is more emphasised because Government have not only to appoint a man who is qualified but they have to appoint a man who is also skilled and experienced. If my honourable friend wanted to add those words....

Mr. M. R. JAYAKAR : My honourable friend has not followed my argument. I said that the word "qualified" is bad enough and that the word "degree" is not put there. It is bad because it gave enough powers in the hands of Government, but I do not wish the words "skill and experience" of which Government are judges to be kept.

The Honourable Mr. COWASJI JEHangIR : But my honourable friend will realise that if the words " skill and experience " are deleted, that does not improve his position. It makes it worse, because then Government will have to appoint a qualified man and Government will be the judges of what that qualification should be. But if " skill and experience " is also added, then honourable members will be able to question any appointment on three grounds, viz., qualification, skill and experience. Delete these two words and honourable members opposite can only come forward to contest the appointment on the grounds of want of qualifications. But with these two extra words honourable members have two extra strings to their bow. I can understand my honourable friends coming up with a demand to add two more strings to their bow, but to delete all words which make their position weaker, not stronger, is what I do not understand. Therefore as I understand this section, it binds Government down to the appointment of a man who is qualified, and in addition to being qualified he is to be skilled and experienced, and if he is not, then it is open to any honourable member to point out that Government have not made a proper appointment because the man is not qualified, skilled or experienced.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Sir, I had no intention to speak on this clause at all, but I do so as I think the argument used by the Honourable the General Member is more than ridiculous. He says that the words " skill and experience " ought to be added on the contrary. I suppose the Honourable the General Member knows that a graduate who studies in a college this subject does acquire a certain amount of skill and experience of science and naturally it is expected that the man who has to work in laboratories must possess these qualifications of skill and experience. The idea of " skill and experience " is already included to a certain extent in the word " qualified," and therefore the additional use of these two words simply puts an additional weapon in the hands of Government to bar the claims of certain qualified people who are eligible for such posts. When injustice is meted out to certain candidates or certain persons and when honourable members of this House enter into correspondence with Members or Ministers of Government, their reply is to the effect that it is an individual case and therefore Government were not prepared to carry on correspondence on individual cases. There is no redress of the grievance in such instances. I therefore regret the attitude of the General Member when he comes forward with the argument and tells us that these words are necessary. He wants to give additional powers to Government. We object to give any additional powers to Government because they are being misused or are likely to be misused by Government and therefore in order to evade the suspicion which we have in such matters through experience, we want to have a clear word " qualified " which includes experience and skill to a certain extent and which prevents Government from utilising their power of penalising certain persons whom they do not wish to appoint.

MOULVI RAFI UDDIN AHMAD (Central Division) : Sir, in fairness to my honourable friend on my right (Mr. Jayakar), I think it must be said that there is a great deal of misapprehension in our minds with

[Moulvi Rafiuddin Ahmad]

regard to the powers of Government, and as my honourable friend pointed out only this morning, we found that qualifications do not necessarily mean degrees. I myself put a supplementary question to the Honourable the Minister of Education on this point which he could not satisfactorily answer. When it was argued by my honourable friend from Surat, the Honourable Minister of Education could not meet the question. What my honourable friend Mr. Jayakar pointed out was that "qualifications" does not necessarily mean degrees so that Government have got power to appoint any person who has no degree but who may have qualifications in say chemistry or in any kindred subject acquired in any school in Cairo or Timbucktoo or Dublin and of which we may not be knowing anything at all. Government has already the power of appointing any persons whom they consider "qualified", not persons who possess university degrees and whom therefore a university considers qualified. When we put forward a candidate from the backward class, he must be qualified by a university degree, but if a candidate possessing qualifications and skill or experience in Cairo or Timbucktoo or Dublin comes forward for a appointment as a public analyst, he may be considered by Government to be "qualified" for that post. Who is to judge of the man's qualifications and skill and experience? I believe it is the Government. Supposing the words "skill and experience" were not there but only the word "qualified", are you going to appoint any one you like or would you appoint necessarily a person who has some experience and qualifications? While in the case of appointing Ministers, no skill and experience is necessary, in the case of poor analysts skill and experience are necessary! And therefore I do think that these words are unnecessary.

Mr. G. A. THOMAS: Mr. President, like those speakers who have preceded me I had no intention of speaking on this amendment, but as a member of the select committee I should like to protest against the attitude taken up by the honourable the leader of the opposition when he suggests that the whole of the popular element of this House is opposed to this clause which has been apparently foisted by an unkind Government upon the House. If he had taken the trouble to glance through the names of the members who have served on the select committee and also had read the report and the minutes of dissent, he would have seen that the popular element of this House was very strongly represented on the select committee and there was only one member representing that element who took any exception to this clause at all, and I think therefore that it would have been rather better if he had given his views as his own personal opinion and not as representing the views of the whole opposition.

I also regret that the honourable the leader of the opposition should have with his usual dexterity drawn the red herring of Mr. Hoggarth across the track of this discussion. Mr. Hoggarth has got nothing whatever to do with this clause. Personally, I must say that I do not see very great necessity for these words, because it is Government who make the appointments and they have to appoint qualified persons

[G. A. Thomas]

and the House can rest assured that when Government have to make appointments they are not going to appoint a man who has got no skill and experience. A public analyst is necessary in every municipality where this Act comes into force and Government have to appoint a man who is qualified to do the work under the Act, and if we have several candidates applying for the post, naturally Government will appoint the most skilled and the most experienced man available. Skill and experience are matters of degree and Government will naturally go in for the man best qualified for the work in view. I do not, however, see any objection to the words standing because it is simply an indication that skill and experience are two factors which must be taken into consideration when making these appointments.

Finally I wish to say that I want to deprecate the attitude taken by many members of this House in attempting to better the report of the select committee, as this particular clause has been gone into at some length by that committee. I do not see much object in appointing select committees and then re-discussing the whole question in this House over again and it would be paying a very poor compliment to the powers and the industry of the members of the select committee to say that they, who have been specially appointed to improve, if possible, upon the various clauses of the bill, cannot present it to the House in a form which should be acceptable to every one.

Mr. A. N. SURVE (Bombay City, North): Sir, in our controversy over graduates and non-graduates, I am afraid we are losing sight of the practical aspect of the question. To begin with, this bill, according to its clause 1, extends to the whole of the presidency. And again according to clause 2 (b) a "local area" may include even a village. If we are going to appoint an analyst for a village and if he is to be a graduate, who is going to pay his fees? If you appoint a graduate you will have to pay him at a rate which would be charged by him or which would be an adequate return for his labour. Therefore, if a village or a small municipality decides to appoint an analyst are you going to burden that small village or that small municipality with the heavy fees of a doctor of science? If the honourable House looks at this question from this point of view, I think it would come to the conclusion that we must allow some latitude to Government; if we are tied down to the provision that the analyst must be a graduate, then we will be unnecessarily over-burdening small municipalities. Moreover, is this bill supposed to protect the rich trader or the poor villager? If you impose a graduate analyst over a village the villagers will not get the protection which it is the object of this bill to confer. For these reasons I oppose the amendment.

Mr. R. G. SOMAN (Satara District): Sir, I have very little to add to what has been said by the popular side of the House. I wish only to bring to the notice of the Honourable Minister one fact that so far as the word 'qualified' is concerned he may define it in the course of his speech by an assertion that the word "qualified" means "a man possessing

[Mr. R. G. Soman]

a degree or diploma." But so far as the words 'skill and experience' are concerned, they cannot be measured in any way except by the recommendation of the subordinates or by the favouritism of Government. So far as these words are concerned they are very vague and should not be retained in this clause. Let us only retain the word 'qualified' and at the same time have an assurance from Government that the word 'qualified' means that 'a person possessing a degree or diploma and also possessing sufficient experience.'

The Honourable Mr. B. V. JADHAV: Sir, I am sorry to say that extraneous matters have been imported into the discussion and motives of Government have been called into question. Something has been said by the leader of the Swaraj party about the want of qualification of the inspector of drawing.

Mr. M. R. JAYAKAR: On a point of correction, Sir. You are witness to the fact that I did not directly refer to the want of qualification of the inspector of drawing. I brought the matter in as an instance to show how the idea of 'qualification' varies in the eyes of Government and how that word is often abused by Government.

The Honourable Mr. B. V. JADHAV: There may be a difference of opinion about that. The opinion of the Educational Department is that Mr. Hoggarth is quite competent for his job. I shall not say anything further as that is not the question here. I may bring to the notice of this House that there are two analytical laboratories in Karachi; there is the Haffkin Institution in Bombay and there is a laboratory at Poona. Will anybody in this House show that the persons who have been appointed by Government to the post of analysts are not properly qualified or that unworthy persons have been imported from outside? I think almost all of them are graduates of the Bombay University and all the appointments that have been made up till now are such that have met with the approval of this House. I do not see what grounds there are to suspect the intentions of Government in this matter alone. Government are not satisfied with university qualifications only but have taken the precaution of adding the provision that the officer should also possess 'skill and experience.' If the words "skill and experience" are substituted by the word 'fit' as has been proposed by the honourable member for Satara,...

Mr. R. G. SOMAN: I have never proposed it.

The Honourable the PRESIDENT: It is in the honourable member's next amendment.

Mr. R. G. SOMAN: It is quite a different thing.

The Honourable Mr. B. V. JADHAV: I am referring to it because it appears to me that the intention now is to substitute the word 'fit'...

The Honourable the PRESIDENT: That is not accurate. That is what the honourable member intends to propose. The present amendment is for the deletion of these words. The House may not agree to put in the word 'fit'.

The Honourable Mr. B. V. JADHAV: The section as accepted by the House contains the word 'qualified' and the words 'possessing skill and experience' are essential. If the words 'skill and experience' are omitted, it will strengthen the hands of Government instead of acting as a check on their arbitrary powers. Any qualification which Government considers sufficient will be enough for appointing an officer to this post. These words 'skill and experience' have been purposely put in and they have been accepted by the select committee who consisted, with the exception of two members of Government, wholly of elected section of this House. I do not think that there is any reason to suspect the good will or intentions of Government. Therefore I think that these words ought to be retained.

Question put. House divided. Ayes 30 : Noes 44. Amendment lost.

Division No. 2.

Ayes.

ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
KOTHARI, Mr. V. R.
LALJEE, Mr. HOSEINBHOY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.

NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PUNJABHAI THAKERSI, Mr.
SAHEBA, Mr. H. D.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes : MOULVI RAFIUDDIN AHMAD and Mr. G. I. PATEL.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABERCROMBIE, Mr. J. R.
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLEKAR, Sir VASANTRAO A.
DEHLAVI, the Honourable Mr. A. M. K.
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.

KAY, Mr. J. A.
KAZI INAITULLAKHAN
LALUBHAI SAMALDAS, the Honourable Mr
LAWRENCE, the Honourable Mr. H. S.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, Sardar G. N.
NAVLE, Mr. N. E.
NEKALJIY, Mr. R. S.
OWEN, Mr. A. C.
PETCH, Mr. F. W.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOSEENALLY M.
SARDESAL, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SURVE, Mr. A. N.
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. N. N.
WILES, Mr. G.
WOODS, Mr. E. E.

Tellers for the Noes : Mr. J. A. KAY and Mr. V. A. GRANTHAM.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I rise to oppose the whole clause, and I think that is the only way to get over this difficulty of restricting particular phrases and particular words. I do not know why my honourable friend Sir Vasantao Dabholkar who raised very strong objection to this clause has practically supported the clause as it stands because I found that, in voting, he went into the division lobby of Government.

The Honourable the PRESIDENT : The honourable member cannot deal with individual actions in that way. He cannot draw conclusions and inferences like that.

Mr. K. F. NARIMAN : I find from the select committee's report that he is the only gentleman who has taken exception to clause 6. I think that is the most sensible view of the situation, and not tinkering with the clause here and there by removing "skill and experience" or by defining qualification. As my friend the leader of the Swaraj party has stated, we should leave with Government as little power as possible. I say when any question of appointment comes, we should give no extra power to Government.

My point, however, is this : that we consider the appointment of an extra chemical analyser or analytical chemist superfluous. This extra officer will be unnecessary not only in the Bombay Municipality, but also in the local bodies for which this Act is intended to be applied later on. So far as the Bombay Municipality is concerned—I know the matter is under consideration and I wish the matter had been expedited—the general opinion seems to be against the introduction of a new chemical analyser, because we will have to pay not only the salary of the officer, about Rs. 500 or Rs. 600, but also what it carries with it, the burdensome institution of a laboratory, which I am told will cost up to two or three lakhs of rupees every year. . . . (Sir Vasantao A. Dabholkar : Not every year). Only initially, and about Rs. 1,000 a year. Now, I want to ask honourable members on the opposite side whether there is not a gentleman called Chemical Analyser to Government, and another gentleman called Chemical Analyser to the Bombay Municipality ? They are very competent officers and they are qualified, and I take it that these officers will be considered to have skill and experience. These two gentlemen have an institution at their disposal. There is a laboratory, as the Honourable Minister pointed out, in Bombay and another in Poona. It is not this Act that proposes for the first time to send substances for chemical analysis. All throughout cases have cropped up, now and again, whether from courts of law or other sources, where substances are sent to the Chemical Analyser to Government or the Chemical Analyser to the Bombay Municipality for analysis, and reports are submitted by them. There is a provision for it laid down in the Criminal Procedure Code. Then, why do we want a new officer and a new laboratory ? Not only will the appointment be superfluous, but the institution will be burdensome. I oppose this clause, not because I am opposed to the bill—in fact, I support it—but because the purpose of the bill will be efficiently served even if the clause is thrown out. The work that is to be done by the public analyst can very well and easily be done by the equally competent

[Mr. K. F. Nariman]

gentleman, the Chemical Analyser to Government. And if the Government find that there is some increase in the work, and he has to attend to more work than he can do, the only thing necessary will be to increase the staff. There will be no trouble and no difficulty in construing particular words. I say, Sir, therefore, the best way is to delete the clause altogether and leave the work to be done by officers who are already there.

Mr. D. B. ADWANI (Karachi City): Sir, in addition to what my honourable friend (Mr. Nariman) has just now said, I should like to say that there is a Chemical Analyser for Sind as well, and so far as my present information goes, he has not enough work. I think, if and when this Act comes to be applied to Sind, or to any part of Sind, that gentleman will have enough work. If and when the time comes when these officers of Government who at present have not got enough work on their hands are unable to carry out the work that is likely to be created in the future, it will be time for us to consider whether we should make any amendment to the Act. Therefore, I think any new appointment is altogether unnecessary, and this clause can very well be deleted.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, as far as clause 6 is concerned, there is nothing to prevent the existing officers from carrying on those duties. If the Municipal Corporation of Bombay has an officer, he can do that work, and then the clause will not impose any additional burden on the Corporation. So also with regard to the city of Karachi. Therefore, the arguments advanced by my honourable friend representing Bombay city are quite irrelevant. The clause does not impose any additional burden. The municipalities can carry on with the existing men if they have their own officers.

The Honourable Sir MAURICE HAYWARD: Sir, I should just like to point out to the House that the clause is necessary if we are to have the bill at all. If you read it, you will find, Sir, that this is the only clause under which we can appoint a "public analyst". Other officials doing analytical work will not be officers under the Act unless they are appointed under the Act. You must have a clause to appoint a public analyst. Otherwise, clause 14 and other clauses which give special authority to the officer to give certificates, etc., would fail. If the honourable House requires the bill at all, I submit, Sir, that it must have this clause. And one other point. The clause is permissive. The wording is "may" and not "shall". "Government may appoint" does not mean that they shall necessarily appoint a new man. They may, if they like, say that the present analyst shall be an official for the purposes of this Act. It is perfectly harmless, it is permissive, and it is necessary, and I submit that it ought to be accepted by the House.

Mr. M. R. JAYAKAR (Bombay University): Sir, the whole trouble has arisen because Government would not accept, instead of the word "appoint" the word "authorise" or "declare". Now, the Honourable the Leader of the House says that this clause will enable the Government to "declare" somebody who is already in their employ as

[Mr. M. R. Jayakar]

fit to become an analyst for the purpose of this Act. If so, I should have thought better sense would prevail and instead of the word "appoint" the word "authorise" would be accepted. In that case, we would have had no difficulty in understanding that the section did not involve a costly appointment, that it merely meant that for the purposes of this Act somebody who was already in the service of Government would be declared to be an analyst. But Government have themselves to thank, because they have rejected the reasonable amendment which we proposed. It is perfectly clear that the clause, as it stands, does not prevent a costly officer being foisted by Government upon a local authority. I want the House to realise that the section does not prevent Government from making a costly appointment if they so choose. We therefore want to prevent this, as our experience tells us that such a power is often abused by Government to perpetrate "jobs".

The Honourable Mr. B. V. JADHAV : Sir, as has been explained by the Honourable the Leader of the House, this clause is absolutely necessary for the purpose of this Act. The suggestion thrown out by the Honourable the Leader of the Swaraj Party that the word "authorise" should be substituted for the word "appoint" cannot be accepted because in certain cases appointments will have to be made. He has expressed his fears about the wasteful actions of Government, and declared that there would be nothing to prevent Government from making an appointment tomorrow. But this House will bear in mind that this matter pertains to a transferred department and any new appointment or any new expenditure to be incurred on it requires the sanction of this House. Government therefore cannot on their own authority make any high paid appointment as is suggested, but will have to come to this House and obtain their sanction.

Mr. B. G. PAHALAJANI : I rise to a point of order, Sir. Is that a correct statement of fact that Government must come to the Council for each and every appointment ?

The Honourable the PRESIDENT : For funds ?

Mr. B. G. PAHALAJANI : I submit, Sir, that appointments have been made even without consulting this Council or coming to this Council for the funds of an officer.

Mr. P. G. JOSHI : I can quote, Sir, an appointment of an Agricultural Economist recently made by the Honourable Minister without the sanction of this House.

The Honourable Mr. B. V. JADHAV : I repudiate the charge. To turn to the clause, I must say, Sir, that it is absolutely necessary. The clause is permissive only, and leaves the corporation free to appoint or not as they think fit. If they have got an analyst already they need not undergo any further expense. As for the first clause, the appointment will be required for the mofussil districts when the Act is extended to them. But in that case fresh officers will not be necessary. The persons who are now

[Mr. B. V. Jadhav]

carrying on analytical work for Government will probably be appointed for the work prescribed by the Act.

I have, Sir, to suggest one thing which the honourable member from Thana suggested to me. It is that the word "and" should be put in before the word "possessing". It will read "any qualified person and possessing skill and experience".

The Honourable the PRESIDENT: In any case, it is for Government to decide whether it is necessary or not but it cannot be done at this stage while replying. If it is merely verbal, it can only be done now; otherwise it cannot possibly be done at this stage.

Clause 6 ordered to stand part of the bill.

Clause 7 (*Power to purchaser of an article of food to have food analysed*) ordered to stand part of the Bill.

Clause 8 (*Appointment of Inspector*) ordered to stand part of the bill.

Clause 9 (*Inspector may obtain article or sample of food and submit to analyst*).

An inspector may, himself or by an agent, procure any article or sample of food, and if he suspects that such food has been sold contrary to the provisions of this Act, shall send such article or sample to be analysed to the public analyst of the local area within which the food was procured; and such analyst shall, upon receiving payment of the sum specified in section 7, with all convenient speed analyse the same and deliver to such inspector in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move my amendment reading as follows:

In clause 9, line 3, substitute "any" for "the".

I have moved this amendment of mine also with a view that the Government should not appoint paid persons but should declare persons eligible for a appointment by the local bodies if necessary, and therefore the words "the public analyst" are not suitable, as that means there is a specification of the person appointed by Government. I do not wish to give the power of appointment to Government and therefore, instead of the word "the" there should be the word "any".

Question proposed.

The Honourable Sir MAURICE HAYWARD: I should like to point out to the honourable member purely as a matter of interpretation that the singular includes the plural according to the General Clauses Act.

The Honourable the PRESIDENT: Does the honourable member wish to reply?

Mr. R. G. SOMAN: No, Sir.

Question put and lost.

Clause 9 ordered to stand part of the bill.

Clause 10 (*Dealing with the article of food or sample when purchased*) ordered to stand part of the bill.

Clause 11 (*Person refusing to sell food to inspector liable to penalty*) ordered to stand part of the bill.

Clause 12 (*Offence by which magistratetriable*).

No offence under this Act shall be triable by a magistrate exercising powers less than those of a magistrate of the second class.

Mr. M. D. KARKI (Kanara District) : Sir, the amendment standing in my name reads thus :

The existing portion of clause No. 12 should be numbered (1) and sub-clause (2) to the following effect should be added :—

“(2) Out of the amount of fine recovered from persons accused of any offence under this Act, a certain portion as fixed from time to time by the rules made by the Government of Bombay in this behalf shall be paid to the Local Authorities within whose local areas the offence is committed.”

Sir, my amendment aims at augmenting the revenue of the local authorities. Under clause 1 of the bill as amended by the select committee, power has been given to the local authorities to have the provisions of the bill extended to their areas. With this right in their favour arises also the responsibility of appointing inspectors for the purpose of carrying out the provisions of the bill—clause 8 of the bill. The extension of the provisions of the bill to the local areas creates a new financial burden on the local authorities whose finances are already slender in majority of cases. It is understood that the Government of Bombay has already appointed committees to explore new avenues of revenue in the case of district local boards and village panchayats. My amendment is therefore in time and also in order and I therefore earnestly request that it should be accepted by the Honourable Minister in charge of the bill.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : Sir, the local authorities are required under this act to bear all the burden of this Act and in my opinion all the proceeds derived from the fine should go to the local authorities concerned. There was some sense in the Government claim to common sense as pointed out by the Honourable the General Member, but it appears from this bill that it is otherwise and, after all, it looks as if Government have found out a means by which to make additions to their own revenue, and we found also in other bills, in Public Conveyance and other Acts that were brought for amendment that that idea was dominant in all these bills, and I am almost inclined to believe that this Act is also not brought for any of the benevolent intentions, but that as a simple means of revenue. But if Government do really want to prove their good intentions in this matter, then I think they might keep the Act as it is and that all the proceeds that are derived from it should be transferred to the local authorities concerned. I therefore propose the following amendment to the amendment of my honourable friend from Kanara.

“That the amendment be amended by the deletion of the words ‘out of’ at the commencement and the words “a certain portion as fixed from time to time by the rules made by the Government of Bombay in this behalf”.

The Honourable the PRESIDENT : The amendment to the amendment is that it be amended by the deletion of the words “out of” at the commencement, and also the words “a certain portion as fixed from time to time by the rules made by the Government of Bombay in this behalf”. The amendment as amended will read thus :

“The amount of fine recovered from persons accused of any offence under this act shall be paid to the local authorities within whose local areas the offence is committed.”

[The President]

Both the amendment and the amendment to the amendment are before the House for discussion.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I am in sympathy with both the amendments ; but I find the second amendment is faulty because under it all the fine recovered would go to the local bodies, but the expenditure incurred by Government in carrying out the provisions of this Act would be borne by Government. I think it would have been fair for the honourable members to ask that after the expenses of carrying out the provisions of the Act are recovered, the fines should be given to the local bodies.

I am sorry therefore that I cannot approve the second amendment, but I whole-heartedly support the first amendment.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am surprised at the declaration made by the Honourable the Minister for Local Self-Government because, as the Minister in charge, he pays money to the municipalities, he knows that under the Municipal Act all the fines levied under that Act are paid to the municipalities by the Government. I think the Honourable Minister should know that under the Municipal Act there exists a section 142 which enacts, though not in as full a detail as this Act, the necessary penalties for adulterated ghee or articles. Before that, existed Act II of 1899, the Adulteration of Articles Act, which section 142 superseded in part so far as municipal areas were concerned. Therefore all prosecutions for adulterated articles are filed and the accused are punished under the provisions of the existing municipal Acts. The Honourable the Minister in charge of Municipalities ought to know therefore, and I think he does know, that his Government pays to the municipalities every pie of the fines whether imposed under section 142 or any other section of the District Municipal Act and the District Local Boards Act. By the present Local Boards Act in which all the provisions of the present District Municipal Act are brought in, I believe all the amounts of fines on the same analogy would have to be paid to the district local boards. In the Bombay city the whole burden of the appointment of a chemical analyst is to be borne according to clause 6 (2) by the Bombay Municipality. The Bombay Municipality has therefore to pay the whole expenditure of the establishment. I challenge the Honourable Minister in charge of Municipalities to show me from the text of this Act under which section Government has to incur any expenditure as long as the Act applies to Bombay. All the expenditure is to be borne by that municipality in connection with the post of a public analyst. The inspector who has to go about and check bad articles is to be appointed under clause 8 by the municipality as it says :

“ a local authority may, subject to rules made by Government in that behalf, appoint any person to be inspector under this Act either for articles of food or generally for any other articles.”

Therefore the inspector to be appointed by a local authority has to be paid by that local authority and the detection work is to be done by an officer of that local authority. If all that work is to be done at its cost,

[Mr. B. G. Pahalajani]

may I know under what circumstances does Government feel itself entitled to receive the proceeds of the fines? It does not receive any under the present Municipal Acts. That statement has to be made by the Honourable Minister and I hope he will make that statement in this Council or the Honourable the Minister of Education as the Minister in charge of this bill will I hope make that statement to the House that the whole of the fines, every pie of the fines, that are levied in courts under the present Municipal Act in which section 142 of the Ghee Adulteration Act is included, is paid to the municipalities. If so I think it is but fair that the whole amount as at present should be paid to the local authority which has to carry on the administration of this Act.

The Honourable Sir MAURICE HAYWARD : I should like with the permission of the Honourable the Deputy President to invite his attention to clause 12 of this bill. He will there see that all offences under the Act will have to be tried by magistrates. A magistrate has to be paid by the Government....

Mr. B. G. PAHALAJANI : You can have honorary magistrates ?

The Honourable Sir MAURICE HAYWARD : I should be very glad if honourable members would trust honorary magistrates to do this work, but we have had so many doubts latterly as to whether it would be quite safe....

Honourable MEMBERS : No.

The Honourable Sir MAURICE HAYWARD : But supposing they were not honorary magistrates and supposing they were salaried magistrates, that would mean that expenditure would have to be incurred by Government, but apart from the magistrates and even if the magistrates were honorary, we have not got to that degree of perfection under which we can find honorary establishments for magistrates, honorary clerks and peons. We have to pay the establishments for the magistrates, and it has been the general practice so far to deduct from fines the cost of these establishments. It may not come to much, but there are several other sections under Municipal Acts under which fines go to municipalities after deduction of expenses. It is a very ordinary arrangement under which expenditure on establishments is first deducted and the balance is paid to municipalities. The same thing is done in other cases also. For instance, under the Motor Vehicles Act the cost of administering the Act in Bombay is deducted from the fees and the fines. I think it would be safer if the House were not to accept this amendment but to leave it for rules as proposed by the first amendment.

This is a transferred subject and therefore I simply put this suggestion before the House as I think it would be safer from the general financial point of view. I think the House would be well advised to accept the amendment as first proposed by the original proposer and not to debar the Government in the transferred department from levying the cost of the administration, whatever it may be, from the fines.

Mr. M. R. JAYAKAR (Bombay University) : On a point of information, Sir, may I know from the Honourable Minister in charge, Local Self-Government, what happened to the fines levied under section 3 of the previous Act, Bombay Act II of 1899, which relates to adulteration? Under that section, power is given to certain magistrates to inflict fines.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : That was repealed long ago.

Mr. M. R. JAYAKAR : Yes, but what happened to the fines levied while the Act was in force ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I do not know as I was not then the Minister in charge of Local Self-Government.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I rise to support the amendment moved by my honourable friend from Kaira and, as rightly pointed out by the Honourable the Deputy President, I consider this clause as an encroachment on the part of Government on the legitimate revenues of local bodies. If we look at the Act, Sir, as we are discussing this particular bill, there is nothing else but the elaboration of particular sections of the District Municipal Act and the elaboration of section 417A of the City of Bombay Municipal Act. If we peruse that section, almost all the provisions that are met with in this particular bill are included in this Act, only they have been elaborated and some more powers are given to Government. I take it that it is an admitted fact that when prosecutions were launched and fines inflicted by magistrates the fines used to go to the municipal corporation of Bombay because the prosecutions were undertaken under the Municipal Act. Simply because we are doing away with that particular section, as stated in the statement of objects and reasons, and simply because the bill does away with section 417A of the City of Bombay Municipal Act and section 142 of the District Municipal Act, there is no justification for Government to increase their own revenue and to deplete the treasury of local bodies. The argument trotted out by the Honourable the Leader of the House is that they have to maintain the magistracy and the staff. It seems to me that we are not asking for any special magistracy. This has been done by the existing magistracy already in the same way as municipal cases are being tried by them. His argument does not apply at all in this case.

Then, the Honourable the Home Member referred to the Motor Vehicles Department. That analogy does not hold good. That is a case where one department of Government adjusts its accounts with another department of Government. These expenses are incurred by the Police Department.

The Honourable Sir MAURICE HAYWARD : As a matter of fact the balance is paid to the municipality.

Mr. K. F. NARIMAN : That makes my case stronger. So far as local bodies are concerned, they are independent bodies. Because we are now deleting the present section of the Act under which municipalities recover the fine, Government have no right to encroach upon their

[Mr. K. F. Nariman]

revenue on the ground that they are introducing a special Act instead of the section already existing. I hope the amendment will be accepted by the House.

Sir VASANTRAO A. DABHOLKAR: Sir, I support the amendment moved by my honourable friend from Kaira. Government have not supplied us with any information as to the cost of the maintenance of such a department for the municipalities. It is only fit that the House should not grudge to give this money out of the fines to the municipalities for maintaining the department. The Honourable the Leader of the Swaraj Party referred us to clause 12 of the bill and pointed out that the cases will have to be tried by the magistracy. Under the Municipal Act we have been launching prosecutions against rate-payers who do not carry out the requisitions of the corporation and these are tried by the magistracy and the whole fine is given to the municipal corporation. Under these circumstances I think it is only fair that the amount realized from the fines should be handed over to the municipalities concerned.

I was greatly surprised when the Honourable Minister for Local Self-Government opposed this amendment. He stated that a certain portion at least ought to be given to Government.

The honourable member the Secretary to Government, General Department, stated that there was no protest against this clause from the municipal corporation of Bombay. In the select committee, I entered my protest against this clause while accepting the rest of the provisions of the Act. Though it was an individual protest, it was in the interest of the Bombay Municipality. It is only right that the fines recovered from this source should be handed over to the municipal corporation.

Mr. A. N. SURVE (Bombay City, North): Sir, with reference to the remark about the pay of magistrates made by the Honourable the Leader of the House, may I just ask him one question? Who pays the magistrate when a criminal is tried in a court of law and sent to jail? Government not only try him but also maintain him at public expense in the interest of justice. Why do Government do that? Simply because Government is there as a protector of the public. If the Government protect the public from offenders against property and person at public expense, should they not equally protect the public from offenders who try to do harm to the health of their subjects at the expense of the state? I think that it is but fair that as these local bodies will be called upon to incur extra expense on inspectors and other staff all these fines which are recovered in the local areas should go to them, wholly, or at least in greater part. If I am right I think under the Prevention of Cruelty to Animals Act, the fines recovered thereunder go to the Society for the Prevention of Cruelty to Animals.

The Honourable Sir MAURICE HAYWARD: A part.

Mr. A. N. SURVE: It gives half. I fail to understand why it should not have done the same here also. The suggestion thrown out by the Leader of the House that the matter should be left to Government, as they are willing to consider the point to give a part of the fines recovered

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to the local area, I think, should be accepted. But at the same time, it is not always prudent to remain satisfied with mere promises, because the present Members of Government may change, and we do not know what attitude or view their successors may take. Therefore, as a matter of mere prudence in a case like this, I think that if the Government declare what share is going to be given to the local areas we may consider the suggestion thrown out by the Honourable the Leader of the House. I request him to remember that villages and small municipalities are concerned, and in their case we should be generous and give the whole amount of the fines recovered to them.

The Honourable Mr. H. S. LAWRENCE: Sir, may I suggest to this House not to expend a great deal of time over this small matter? The House is no doubt grateful to the honourable member for the meticulous care with which he has examined this legislation; but this matter is very trivial, and the fines that will be recovered for several years to come will not amount to Rs. 1,000. Whether a share of this should be given to the local bodies by Government is a matter upon which we may at once proceed to vote without further discussion.

Mr. S. K. BOLE: Sir, my information about the municipal cases that are tried in Bombay is that all the fines collected in Bombay come up to nearly one lakh of rupees per year. This amount is realized by the municipality without incurring any expense, as the municipal cases are tried by the stipendiary magistrates. The Honourable the Finance Member has told us that the fines in the present circumstances will amount to Rs. 1,000. I therefore hope that the Government would not grudge to give away this amount to local bodies.

The Honourable Mr. B. V. JADHAV: Sir, I accept the amendment of the honourable member Mr. Karki.

The Honourable the PRESIDENT: The Honourable Minister can support that: there is no question of accepting.

The Honourable Mr. B. V. JADHAV: Sir, I support the amendment of the honourable member Mr. Karki and oppose that of Rao Saheb Desai.

Question put:

"That clause 12 be amended by the addition of the following words:—

'The amount of fine recovered from persons accused of any offence under this Act shall be paid to the local authorities within whose local areas the offence is committed.'

House divided (Division taken by asking honourable members to rise in their seats): Ayes, 48; Noes, 25. Amendment carried.

Clause 12 as amended ordered to stand part of the bill.

Clause 13 (Summons when to be applied for and what it is to contain) ordered to stand part of the bill.

Clause 14 (Certificate of public analyst to be evidence of facts therein stated. Reference to Chemical Analyser to Government) ordered to stand part of the bill.

Clause 15 (Certificate of analyst other than public analyst as evidence).

When any person accused of an offence under this Act proposes to produce as evidence a certificate of analysis of an analyst other than a public analyst he shall, at least three days before the date fixed for the hearing of the case send a copy of such certificate to the person conducting the prosecution.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move:

In clause 15, line 4, for the word "case" substitute the word "defence".

If my amendment is accepted the clause would read "three days before the date fixed for the hearing of the defence". I think that when a public analyst gives a certificate that there is adulteration, a case will at once be instituted against the accused and there will be very little time at the accused's disposal to get the article analysed by a different analyst. I think the accused should be allowed more time: he should be allowed time from the beginning of the case up to the time when he will have to enter upon his defence. I think it will be better if we say that he should give notice to the prosecution three days before he enters upon his defence that he intends to examine another analyst through whom he has got the article analysed.

Question proposed.

The Honourable Mr. B. V. JADHAV: I accept it, Sir.

Question put and carried.

Clause 15 as amended ordered to stand part of the bill.

Clause 16 (*Public analyst to attend court in person*) ordered to stand part of the bill.

Clause 17 (*Entry for purposes of the Act*).

It shall be lawful for an inspector appointed under this Act to enter for the purposes of this Act at all reasonable times into or upon any place which he has reason to believe is used for the manufacture or sale of any food:

Provided that in making such entry due regard shall be paid to the social and religious customs of the occupiers.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to oppose this clause 17 *in toto*, because, I may frankly confess, when I tried to amend it in a manner to make it quite harmless, I could not succeed in my attempt. Honourable members will remember that at the first reading of the bill I raised a very strong objection to this particular clause and even went to the length of suggesting that we should rather do without the bill than have such a clause in it. I consider this clause most mischievous, liable to be abused and made an instrument of harassing people, and capable of leading to corruption. I ask honourable members to consider this clause carefully. First consider the position of an inspector appointed under this Act. He can for the purposes of this Act "at all reasonable times"—it may be twelve midnight or twelve midday, if he considers that to be reasonable—enter into or upon "any place which he has reason to believe is used for the manufacture or sale of any food". Sir, there are similar powers given in various Acts passed

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by the legislatures of this country, both Imperial and provincial, to effect entry for the purpose of carrying out any search, but in all those cases we find there are corresponding safeguards laid down. I do not think there is any Act passed by the legislature of any civilized country where such a wide power is given to a man in the position of an inspector without having any corresponding safeguards. I may refer to the Criminal Procedure Code, the Excise Act, and even the last Act, the Children's Protection Act, where similar powers are given to the inspector or a similar officer to enter into premises for the seizure of stolen property or books of accounts or for various other things, but everywhere there is a corresponding safeguard that the search shall be carried out either in the presence of a panch, which means two or three respectable persons of the locality, and in almost every case it shall not be done unless there is a search warrant given by a competent authority such as a magistrate. Even in a very serious matter such as the protection of the morals of a young female, whenever it is necessary to search a particular house to find out whether any minor girls are concealed in the premises, even there the powers given are not so drastic, the man has to put up a complaint before a magistrate and the magistrate is to be satisfied that there is a sufficient case for the issue of a search warrant. Here, in this particular case, without any search warrant, without any order of a magistrate, without any safeguard of a panch or any other safeguard, this inspector is given power to enter into any place, it may not be a place of business, it may be any place which he has reason to believe is used for the manufacture or sale of any food. What home in the city of Bombay would be safe from the encroachment or depredation of this inspector with this power? He has only to enter into the house, knock at the door, there may be only ladies in the house, he may enter into a kitchen, for instance; from a religious point of view or social point of view there is a certain amount of sanctity attached to this place (kitchen), he may enter into it, he may insult the ladies in the house, he may reduce them to all sorts of humiliation, and then say "Oh, I made a mistake; I am sorry" and no action, no prosecution, can be taken against him. Therefore, I say that although the deletion of these words will certainly affect the efficiency of the working of this bill, I would rather have a bill with a few defects than give this power to an inspector. We know, Sir, how these powers are abused even with the safeguards that are provided. Even where panchas are provided, the search-warrants are obtained, we know, Sir, how families of respectable persons are humiliated and insulted without any justification, and then if the person is asked for an explanation, he would say "I got an information from A, B or C, but I cannot disclose his name; I am protected by the next clause", and so on. There are sufficient safeguards already to prevent the sale of bad food and all sorts of restrictions are imposed at the time of the sale. I do not mind if you put any restrictions to prevent the actual sale of bad food. But, surely, I must object and strongly protest, and I hope the House will join me in this, against the honour and liberty of the subject being encroached upon. In the city of Bombay, for instance, there

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are numerous families who maintain an honest livelihood by means of boarding-houses. How many widows there are in the city of Bombay who earn an honest livelihood by keeping boarders? The food which they give may be very good, but as it may be considered a place used for the manufacture or sale of food, all these houses are to be invaded by the inspector without any protection, without any safeguard, such as we have provided in the case of some other bills! I therefore hope that the House will very seriously consider the provision and not allow this drastic power in the hands of the inspector. I oppose this clause on all these grounds.

The Honourable the PRESIDENT: As it is now 7 o'clock, the Council will adjourn to 2 p.m. to-morrow, Tuesday, the 21st July 1925. *

Tuesday, the 21st July 1925.

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 21st July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ABERCROMBIE, Mr. J. R.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAI, Rao Sahab D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.

JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KOTHARI, Mr. V. R.
LALLJEE, Mr. HOOSEINBHOY A.
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MADAN, Mr. J. A.
MALJI, Rao Bahadur A. U.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATHAN, Mr. A. F. I. K.
PETCH, Mr. F. W.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOOSENALLY M.

SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAL, Mr. S. A.
 SAYED MUHAMMAD KAMIL SHAH
 SHANKARRAO JAYARAMBAO ZUNZARRAO, Mr.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

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

Mr. H. L. Painter made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

HOUSE-BREAKING AND THEFTS IN SHOLAPUR CITY.

* Mr. ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Will Government be pleased to state—

(a) the yearly number of offences of house-breaking and thefts in Sholapur City from 1920-21 to 1924-25;

(b) whether it is a fact that the number of offences of thefts and house-breaking has increased in the last two years;

(c) if so, what the cause of it is;

(d) what steps do Government intend to take for the security of the life and property of the public?

The Honourable Sir MAURICE HAYWARD: (a) (b) The District Magistrate has reported the number of house-breakings and thefts to have been 28, 26, 29, 38 and 43 for the five years 1920 to 1924.

(c) (d) The District Magistrate has reported that special steps have been taken to prevent the inflow of habitual offenders from outside, which has been thought responsible for the increase, particularly Mangs from the Hyderabad State.

Mr. ABDUL LATIF HAJI HAJRAT KHAN: Is it not a fact that most of these offences are committed by the people living in criminal tribes settlements?

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Sir MAURICE HAYWARD : I think not.

Mr. ABDUL LATIF HAJI HAJRAT KHAN : Is it not a fact that this increase in offences is due to insufficient police staff ?

The Honourable Sir MAURICE HAYWARD : I think not.

PLATFORM AT KURDUWADI STATION.

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state —

(a) whether they are aware that there is no platform at the Kurduwadi station of the Barsi Light Railway and that thereby the travelling public suffer a good deal of inconvenience and trouble ?

(b) whether they propose to take any action in the matter ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) and (b) Government are aware that there is no raised platform at Kurduwadi station of the Barsi Light Railway. The carriage stock is so designed that passengers can get in and out easily from ground level and a raised platform is not, therefore, considered a necessity.

Mr. N. A. ABDULPURKAR : What is the height of the foot-board of the train from the ground ?

The Honourable Mr. LALUBHAI SAMALDAS : I require notice.

Mr. C. M. SAPTARSHI : (Inaudible).

The Honourable Mr. LALUBHAI SAMALDAS : No.

Mr. M. R. JAYAKAR : Will the Honourable the Revenue Member take the trouble of travelling himself and finding out if there is any inconvenience caused to passengers alighting ?

The Honourable Mr. LALUBHAI SAMALDAS : I do not think there is any such inconvenience caused as the honourable member fears.

Mr. C. M. SAPTARSHI : Is the Honourable the Revenue Member aware that there is no shed to protect passengers from sun and rain ?

The Honourable Mr. LALUBHAI SAMALDAS : That does not arise out of this question. Put a separate question, please.

FENCING ON THE BARSILIGHT RAILWAY.

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) whether they are aware that the Barsi Light Railway have no fencing on their railway line ?

(b) whether it is a fact that this is a source of danger to both human and animal lives ?

(c) If so, what action do Government propose to take to guard against the danger ?

(d) how many accidents to men and animals occurred on the railway line during the last five years owing to the absence of fencing on the line.

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) and (c). The question of fencing of railways in the Bombay Presidency was taken up with the Railway Board who have stated that the protection afforded by the ordinary methods of fencing railway lines in this country is not such as to encourage Railway Administrations to adopt a more general policy of fencing in the future. They are further of opinion that the necessity of fencing any particular section of the line should be represented to them on the merits of each case. A copy* of the orders issued by this Government on the subject is placed on the Council table. From the statements of accidents as well as from the reports of local officers, Government, as at present advised, do not consider that any action is necessary in the case of the Barsi Light Railway.

(d)

Year.	Accidents to	
	Human beings.	Animals.
1919-20	.. .. .	20
1920-21	.. .. . 2	16
1921-22	.. .. .	6
1922-23	.. .. . 2	7
1923-24	.. .. .	21

SENIOR STIPENDIARY L. C. P. S. CANDIDATES.

Mr. D. B. ADWANI (Karachi City): (a) Will Government be pleased to state whether it is a fact that the stipendiary L. C. P. S. senior candidates who passed out in December 1922 were superseded by two junior candidates (one even non-stipendiary) who passed out later?

(b) Is it also a fact that very recently seven very junior L. C. P. S. candidates have been appointed temporarily on malaria duties without giving any chance to the above seven stipendiary senior L. C. P. S. candidates who passed out meritoriously in 1922?

(c) If so, will Government be pleased to give the reasons for which the seven candidates have been superseded?

The Honourable Mr. B. V. JADHAV : (a), (b) and (c) Stipends to students studying for the L. C. P. S. examinations have been discontinued except in Sind, since the year 1923. Old stipendiary students are, however, given timely notice that Government do not guarantee them service in the Department after they pass their L. C. P. S. examination. Thus all successful students are put on an equal footing for admission into the service by selection on merit. Moreover the policy of Government is to appoint men directly from the colleges, *i. e.*, from amongst the most recent successful candidates. Those that have passed out in previous years are not therefore considered senior or as having any prior claims to service. In consonance with these principles nine men were appointed in the year 1924 for antimalarial measures from amongst the successful students in 1923 and 1924, excepting one who passed in 1922.

Mr. G. B. PRADHAN : Is it not a fact that those students who were promised appointments have not been actually appointed by Government?

The Honourable Mr. B. V. JADHAV: In some cases it is a fact.

Mr. G. B. PRADHAN: Does not Government think that it is an injustice to them in that when giving them scholarships they were promised posts and after they pass out no posts are given to them?

The Honourable Mr. B. V. JADHAV: They received their education at Government expense and I do not think that any definite promise was made. Government had a right to employ them and if now Government do not find it convenient to employ them, I do not think any injustice has been done in their case.

Mr. G. B. PRADHAN: What is the hardship Government think they will have to undergo by not keeping their promise to appoint such men?

The Honourable Mr. B. V. JADHAV: As a matter of fact there was no promise but an undertaking was taken from them when scholarships were granted to them that in case Government needed their services they would be bound to serve for a certain number of years.

Mr. D. B. ADWANI: Why has there been any supersession of senior men by junior men?

(No reply.)

SCALE OF PAY OF SUB-REGISTRARS.

Mr. D. B. ADWANI (Karachi City): (a) Will Government be pleased to state whether the scale of pay given to Sub-registrars in other provinces of India as referred to in my question asked in the last session has been ever brought to their notice by the Sub-registrars' Association.

(b) Has the attention of Government been drawn to the comparative scale of pay given to Sub-registrars in the Bombay Presidency and other provinces of India as published in the Bombay Registration Quarterly for April 1924?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) Yes, as published in the Bombay Registration Quarterly for April 1923.

Mr. G. B. PRADHAN: Do Government think of increasing salaries of sub-registrars in the Bombay Presidency?

The Honourable Mr. A. M. K. DEHLAVI: As a matter of fact the question is under consideration but I do not know whether their salaries will be increased or not.

RENT-FREE QUARTERS TO MENIALS.

Mr. D. B. ADWANI (Karachi City): With reference to their reply to the question of Mr. B. G. Pahalajani (Western Sind) regarding rent-free quarters to menials attached to the revenue offices at Karachi (published at page 61 of List No. 9 of the October 1924 session), will Government be pleased to state—

(a) whether they have completed the reconsideration of the matter as promised by them;

(b) if so, what decision has been arrived at, and when are orders likely to be issued; and

(c) whether orders have also been issued for refunding the monthly amounts of rent already paid by the peons ;

(d) if the reconsideration has not yet been completed, when is it likely to be completed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a), (b), (c) and (d). Orders have already been issued granting rent-free occupation of the quarters in question with effect from the date they were occupied. The necessary refund will be made by the local officer concerned, if in any case the rent has been recovered from the menials.

HEADQUARTERS OF TALEGAON TALUKA IN POONA DISTRICT.

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

(a) whether they are aware of the inconveniences caused to the public on account of Vadgaon being made the headquarters of the Talegaon taluka in the Poona district ;

(b) whether they intend to take any steps in the matter ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) and (b) Government are not aware of any inconvenience being caused.

EDUCATIONAL GRANTS TO LOCAL BOARD SCHOOLS IN KAIRA DISTRICT.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state the amount of grant given by them for local board schools in the years 1920-21 and 1923-24 in the Kaira district for each of the following : (a) purchase of furniture, (b) school prizes, (c) prizes to backward classes, (d) scholarships, (e) school library, (f) repairs to school buildings, and (g) construction of new buildings ?

The Honourable Mr. B. V. JADHAV : The accompanying statements† give the information required.

SAVINGS ON ACCOUNT OF VACANT POSTS OF TEACHERS IN KAIRA LOCAL BOARD SCHOOLS.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state what saving was effected by keeping the posts of teachers vacant in the Kaira local board schools during the year 1923-24 and during the current year up to the end of January 1925 ?

The Honourable Mr. B. V. JADHAV : The subjoined table gives the information required—

Year.	Amount of saving.
	Rs.
1923-24	735
1924-25 (up to January 1925)	923

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† Kept in the Secretary's Office.

VISUAL INSTRUCTION.

* Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) how many times the deputy educational inspector in charge visual instruction visited each of the divisions of the presidency and how many lectures he gave in each of them;

(b) whether such lectures are given in the vernacular of the district visited;

(c) if not, will Government be pleased to state why they are not given in the vernacular?

The Honourable Mr. B. V. JADHAV: (a) and (b) The information is given below:—

Division.	Number of visits paid to each Division.	Number of lectures delivered in each Division.	Language in which lectures were delivered.
C. D.	3	114	Vernacular and English.
B. D.	3	266	Vernacular and English.
S. D.	3	101	Marathi and English.
N. D.	3	28	English.
Sind	2	31	English.

(c) The deputy educational inspector for visual instruction delivers his lectures only in English in Sind and Gujarat as he is unable to speak the vernaculars of these divisions. The number of lectures given by him in the two divisions is, therefore, comparatively small.

SCHOLARSHIPS TO POTTERY CLASS STUDENTS IN THE BOMBAY SCHOOL OF ART.

* Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(1) how many students there are in the pottery class attached to the School of Art, Bombay, and how many of them are given scholarships?

(2) the amount spent annually on the pottery class in the School of Art?

(3) the salary of the superintendent of the pottery class?

(4) what type of pottery work is being taught in the class?

The Honourable Mr. B. V. JADHAV: (1) There are seven students in the pottery school five of whom get scholarships of Rs. 15 each.

(2) The expenditure on the pottery class during the year 1923-24 was Rs. 21,832-5-11.

(3) This has already been replied to.

(4) General knowledge of pottery and porcelain, theoretical and practical, with special work in the clays and types of articles commonly found in the districts from which the students come, is

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

imparted to students of pottery. Since 1922 students get special advantage in the manufacture of pottery on commercial scale, on account of the semi-commercial scheme being worked in the pottery school.

SATARA MUSEUM AND ART COLLECTION OF RAO BAHADUR PARASNIS.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether it is a fact that the well known art collection of Rao Bahadur Parasnisi is to be sold outside India, and if so, whether they propose to take any steps in the matter?

(b) Will Government be pleased to state whether it is a fact that the space in the museum at Satara is not sufficient to accommodate the whole of the Parasnisi collection and that many of the old paintings will be left out for want of space?

(c) Will Government be pleased to state the terms on which Rao Bahadur Parasnisi is prepared to hand over to the nation his collection?

The Honourable Mr. B. V. JADHAV: (a) Government are not aware of an intention of Rao Bahadur Parasnisi to sell his collection outside India.

(b) Most museums and picture galleries for want of space usually exhibit only their best articles and pictures.

(c) Negotiations have been going on with a view to pictures of Rao Bahadur Parasnisi being obtained for the benefit of the public, and are still in progress.

EXPENDITURE ON ROADS.

* Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on the table a statement showing the expenditure on roads incurred by the Public Works Department during the last three years (i.e., 1921-22; 1922-23; 1923-24) in each of the districts of the presidency?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The accompanying statement† furnishes the information required.

SCHOLARSHIPS IN THE SCHOOL OF ART.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(1) the amount of scholarship given to each scholar monthly in each of the classes attached to the School of Art?

(2) Has Government invited the opinion of the Principal, School of Art, as regards the adequacy of the scholarships?

(3) If so, what were his recommendations in regard to the number and amount of scholarships?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix No. 21.

The Honourable Mr. B. V. JADHAV: (1) The requisite information is given in the accompanying statement.*

(2) and (3) Government cannot furnish the information as it relates to matters of internal administration.

OPINION OF THE ART SOCIETY OF INDIA ABOUT FREE-HAND DRAWING.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether their attention has been drawn to a resolution passed by the Arts Society of India about the necessity of free-hand drawing in schools?

(b) If the reply to the above be in the affirmative, will Government be pleased to state whether they intend to take any steps in the matter and if so what steps do they intend to take?

The Honourable Mr. B. V. JADHAV: (a) Yes.

(b) The matter is under consideration.

Rao Saheb D. P. DESAI: May I know the reason why Government are going to appoint a committee in such a small matter?

The Honourable Mr. B. V. JADHAV: Because Government want to take advice of that committee as this question has been considered to be very important by a section of this House and it ought to be settled to the satisfaction of this House.

OPINIONS ABOUT ART EDUCATION IN BOMBAY PRESIDENCY.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether their attention has been drawn to the opinion expressed by several art critics and the principal, School of Art, in the Book "Revival of Art in Bombay" as to the necessity and importance of unity in the art education in this presidency and of co-ordinating the Government activities in this direction? If so, will Government be pleased to state what they intend to do in the matter?

The Honourable Mr. B. V. JADHAV: Government fully recognise the necessity and importance of unity in the art education of this presidency. It is for this reason that the teaching of painting, sculpture, and architecture is given in one and the same institution (The Sir J. J. School of Art) under the direction of the principal. The Reay Art Workshops also, in which instruction is given in metal-work, carving, and carpet weaving, are under the superintendence of the same officer. In these circumstances it does not appear that there is any need for further action in the direction indicated.

Rao Saheb D. P. DESAI: Is architecture under the direction of the Principal of the School of Art?

The Honourable Mr. B. V. JADHAV: Probably not.

Rao Saheb D. P. DESAI: How can there be co-ordination then?

The Honourable Mr. B. V. JADHAV: The Consulting Architect goes to deliver lectures but he is not subordinate to the Principal of the School of Art.

* Vide Appendix No. 22.

Rao Saheb D. P. DESAI : I want to know what the precise steps are to promote architecture. (No reply.)

RULES UNDER SECTION 49 (2) OF THE GOVERNMENT OF INDIA ACT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on the table copy of the rules framed under section 49 (2) referred to by Sir Chimanlal in his statement and copy of Instrument of Instructions issued to His Excellency the Governor ?

The Honourable Sir MAURICE HAYWARD : Government regret that the Rules of Business which are confidential cannot be laid on the table. The Instrument of Instructions to Governors was published by Legal Department Notification No. 43, dated the 10th January 1921 at pages 39-40 of Part I of the *Bombay Government Gazette*, dated the 13th January 1921.

RULE EMPOWERING THE SECRETARY TO SUBMIT PAPERS DIRECT TO HIS EXCELLENCY THE GOVERNOR IN CASE OF DIFFERENCE OF OPINION BETWEEN HIM AND THE MINISTER.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether Sir Chimanlal's statement that " there is a rule empowering the Secretary who differs from the Minister or Member of Government to submit papers to His Excellency " is true ?

(b) If the reply to the above be in the affirmative, will Government be pleased to state under what section of the Government of India Act Secretaries to Government are given the same powers as Members and Ministers of Government ?

(c) Will Government be pleased to place on the table a copy of the rule that empowers a Secretary to submit a case directly to His Excellency the Governor on the ground of importance or urgency and also a copy of the rule that empowers the Secretary to directly submit papers in case of difference of opinion with the Minister or Member of Government ?

(d) Will Government be pleased to state whether the above two rules complained of by Sir Chimanlal existed before the Government of India Act came into existence ?

The Honourable Sir MAURICE HAYWARD : (a) and (b) There is no rule giving Secretaries the same powers as Ministers and Members. But the rules provide for the submission in certain cases of papers to His Excellency.

(c) and (d) There were similar provisions in the previous rules. Government regret, however, that they cannot place rules which are confidential on the table.

Rao Saheb D. P. DESAI : May I know the rule under which the secretary independent of either the Minister or Member in charge can approach His Excellency direct and receive orders ?

The Honourable Sir MAURICE HAYWARD : I do not think that there is any such rule.

Rao Saheb D. P. DESAI: In the reply to the question it is stated that there were similar provisions in the previous rules, and that the rules provide for the submission of certain papers to His Excellency. I want to know the rule which is being referred to therein.

The Honourable Sir MAURICE HAYWARD: I cannot give the honourable member the precise rules but they provide for circulation of papers among Honourable Members and Ministers.

Mr. G. B. PRADHAN: In the case of a difference of opinion between the Secretary and the Honourable Member or Minister, can the Secretary go to His Excellency direct?

The Honourable Sir MAURICE HAYWARD: There is no question of difference of opinion arising between the Secretary and the Honourable Member or Minister. The rules provide for the proper submission of papers to Members, Ministers and to His Excellency.

Mr. G. B. PRADHAN: Without submission to the Honourable Member or Minister can the secretary go direct to His Excellency?

The Honourable Sir MAURICE HAYWARD: I cannot give any further information on the subject. Confidential rules cannot be laid on the table.

Mr. K. F. NARIMAN: Is it not the rule that Government officials should submit the papers through their superiors? (No reply.)

Mr. W. S. MUKADAM: How many years will Government take to place papers in the hands of honourable members of this House and take them into their confidence? (No reply.)

Mr. M. R. JAYAKAR: Will the Honourable the Leader of the House state how many cases occurred during the last year when papers were submitted to His Excellency without reference either to the Honourable Member or Minister?

The Honourable Sir MAURICE HAYWARD: I cannot say.

Mr. K. F. NARIMAN: Is not the Honourable Minister superior to the Secretary? (No reply.)

PRIMARY TEACHERS IN LOCAL BOARD AND MUNICIPAL SCHOOLS.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether primary teachers serving in the local board and municipal schools are Government servants lent to these local authorities or servants of the local authorities concerned, Government only having guaranteed their pay, pension and conditions of service;

(b) whether it is true that under the rules framed under section 58 of the District Municipal Act the powers of dismissing these teachers are vested in the municipalities.

The Honourable Mr. B. V. JADHAV: (a) The present position of primary school teachers serving in local board and municipal schools is somewhat anomalous and difficult to define in precise terms. These teachers are, however, not treated as Government servants lent to the

local authorities under the foreign service rules but as Government servants serving under local authorities under special arrangements.

(b) The power of dismissing these teachers is vested in the municipalities subject to the right of the teachers to appeal to Government.

Mr. G. I. PATEL: If any appeal is preferred, will Government hear it and do justice?

The Honourable Mr. B. V. JADHAV: Yes.

SUSPENSION OF LAND REVENUE IN THE KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether they are aware of the shortage of crops owing to insufficient rainfall and damage by frost in the Kaira district? If the reply be in the affirmative, will Government be pleased to state in how many villages suspensions or remissions of land revenue have been given?

(b) If no suspensions or remissions are given, will Government be pleased to state the reasons for not granting them?

(c) whether it is a fact that many villages have applied for suspension of land revenue;

(d) whether it is a fact that Government propose to take one and a half times the assessment in the affected villages.

The Honourable Mr. LALUBHAI SAMALDAS: (a) and (b) Half the year's land revenue was suspended in 11 villages of Matar taluka. This involved a consequent remission of some of the suspended arrears of 1923-24. Remissions of himayat assessment due to failure of irrigation were granted in 106 villages. Remissions will be given in individual cases which are under examination by the Collector.

(c) Applications were received from 31 villages for suspension of land revenue.

(d) The amount of collection depends upon the extent of damage.

THE OPINION OF THE GOVERNMENT OF BOMBAY ON THE APPOINTMENT OF THE TAXATION COMMITTEE.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether they are aware of the fact that the Taxation Committee has commenced its work in this presidency?

(b) if the reply be in the affirmative, will they be pleased to state whether they were consulted before the appointment of the Committee by the Government of India?

(c) will they be pleased to state what opinion they expressed in their correspondence with the Government of India and will they place on the table copies of the letters addressed by the Bombay Government to the Government of India?

The Honourable Mr. H. S. LAWRENCE: (a) Yes.

(b) Yes.

(c) The attention of the honourable member for Kaira district is invited to the answer to the question by Mr. Lalji Naranji on 1st August 1924.*

BOMBAY REPRESENTATIVES ON THE TAXATION COMMITTEE.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) the names of the members of the Taxation Committee, who belong to this presidency and whether the local Legislative Council was consulted before recommending their names to the Government of India?

(b) how many of the members representing this presidency on the Taxation Committee are conversant with the rural problems and economics of this presidency?

The Honourable Mr. H. S. LAWRENCE: (a) (1) Dr. R. P. Paranjpye. (2) The answer is in the negative.

(b) The member from this presidency is conversant with the rural problems and economics of the presidency.

Rao Saheb D. P. DESAI: I have asked whether the Council was consulted before recommending the names to the Government of India. There is no reply. Was it not thought necessary by Government to consult the Legislative Council? (No reply.)

EXPENDITURE OF THE TAXATION COMMITTEE TO BE BORNE BY THE BOMBAY GOVERNMENT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) what amount of the expenditure of the Committee is to be borne by the Bombay Government?

(b) were they consulted as regards sharing the expenses of the Committee?

(c) if so, what reply did they give to the Government of India?

The Honourable Mr. H. S. LAWRENCE: (a) Government of Bombay are not to bear any part of the expenditure of the Taxation Committee.

(b) and (c) No.

CORRESPONDENCE WITH COLLECTOR OF KAIRA REGARDING LOCAL BOARD ELECTIONS.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on the table copies of correspondence that passed between Government and the Collector of Kaira in connection with the local board election procedure in the Kaira district?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The correspondence in question cannot be placed on the Council table as it is intended for official use only.

Rao Saheb D. P. DESAI: Are Government aware that because the Collector disobeyed the instructions or orders the papers are not laid on the table?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : He cannot disobey.

Rao Sahab D. P. DESAI : Does not the correspondence lead to show that the Collector disobeyed the instructions of Government ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I have nothing to add to the reply already given.

REVISED RATES OF ASSESSMENT IN KAIRA DISTRICT.

Rao Sahab D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether it is a fact that they have issued a notification or orders to the authorities in the Kaira district to put into operation the new revised rates of assessments of land revenue ?

(b) if the reply be in the affirmative, will they be pleased to state the reasons for not complying with the resolution of the Legislative Council in this connection ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) No.

(b) Does not arise.

REVISED RATES OF ASSESSMENT IN THE PRESIDENCY.

Rao Sahab D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether it is a fact that revised rates of assessments have been introduced in many talukas of this presidency after the resolution of this Council in connection with this question passed on 15th March 1924 (March Session, 1924) ;

(b) if the reply be in the affirmative, will they be pleased to state the reasons for not accepting the decision of this Council and also the names of the talukas in which revised rates of assessments are introduced ;

(c) in which of such talukas were the rates of assessment increased and in which were they decreased ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Revised rates were introduced in Kopergaon and Sindkheda talukas but levied in Kopergaon only.

(b) The honourable member is referred to the Resolutions No. 47—24 and No. 201—24 dated 14th July 1924 sanctioning revision settlements in Kopergaon and Sindkheda talukas, copies* whereof are placed on the Council table.

(c) The rates of assessment were increased in both Kopergaon and Sindkheda.

Rao Sahab D. P. DESAI : May I know the reasons which led the Government to ignore the decision of this House in this connection ?

The Honourable Mr. LALUBHAI SAMALDAS : I should like to know which resolution the honourable member refers to.

*Vide Appendix No. 23.

Rao Saheb D. P. DESAI : That the assessment should not be revised after the resolution of this Council until the committee appointed for this purpose has reported upon the question.

The Honourable Mr. LALUBHAI SAMALDAS : There is no Government Resolution of that kind.

Mr. G. B. PRADHAN : Are the Government aware that in spite of that resolution revision survey is introduced in the Pen and Panvel talukas and being made in parts of the Thana District ?

The Honourable Mr. LALUBHAI SAMALDAS : That question does not arise.

Mr. G. B. PRADHAN : I appeal to you, Sir. The question refers to the whole presidency. When I ask whether it is not a fact that the revision rates are being recovered in Pen and Panvel talukas before revising the assessment, the Honourable Member replies that that question does not arise. It is for you to decide, Sir.

The Honourable the PRESIDENT : The question relates to the revision assessment in the whole presidency and the reply is that it is being raised in two cases. The supplementary question is quite relevant.

Mr. G. B. PRADHAN : Is it not a fact that in spite of the appointment of the committee new survey is being carried on in talukas of the Thana district preliminary to revising the assessment ?

The Honourable Mr. LALUBHAI SAMALDAS : Yes.

Mr. G. B. PRADHAN : Where is the need for such a hurry ?

The Honourable Mr. LALUBHAI SAMALDAS : The revision settlement work will be delayed if this preliminary work is not done now.

Mr. P. G. JOSHI : Is it not a fact that the Honourable the Revenue Member stated in the budget session that the assessments would not be revised ?

The Honourable Mr. H. S. LAWRENCE : It is not a fact.

Mr. M. R. JAYAKAR : Do Government propose to obey the resolution of this Council in this matter ?

The Honourable Mr. LALUBHAI SAMALDAS : I cannot really understand which resolution is referred to.

Mr. M. R. JAYAKAR : The resolution is referred to in the question itself : It is :

“that no revision be proceeded with or no new rate under any revised settlement be introduced till the said legislation (that will be decided upon by the Committee) is brought into effect.”

I am speaking of that resolution.

The Honourable Mr. LALUBHAI SAMALDAS : Will the honourable member please quote the resolution ?

Mr. M. R. JAYAKAR : I repeat my question, Sir. Do Government intend to give effect to the resolution of this Council or not ?

The Honourable Mr. LALUBHAI SAMALDAS : I ask for notice.

Mr. M. R. JAYAKAR : Notice has already been given.

Rao Saheb D. P. DESAI : Will the Honourable Member refer to page 110 of this question list ? It is stated :

"The land under command could easily bear the trebling or quadrupling of the assessment. But as Government is restricted to the 33½ per cent. rule, they approve of the grouping and rating proposed by the Assistant Settlement Commissioner. In approving the rates Government have taken into consideration the decrease in rents to which the Commissioner refers in paragraph 7 of his memorandum."

Here the Government have charged the whole increase of 33½ per cent. I want to know in what respect the Government have taken into consideration the resolution of this Council, when they have charged the whole increase of 33½ per cent. (After a pause.) Government are not willing to reply.

The Honourable the PRESIDENT : Government is not bound to reply.

Mr. S. S. DEV : Is it not a fact that the Honourable the Finance Member said in the course of his budget speech : "The House is aware that land revenue has ceased to expand for the time being". And is it not also a fact that the Honourable the Finance Member in the same speech said :

"And since any increase of resources in land revenue is withheld temporarily by the will of this House, it is necessary for Government to look elsewhere for the requirements of the people !"

The Honourable Mr. H. S. LAWRENCE : Sir, I draw attention to the word "temporarily". I was then explaining the condition of affairs existing in February last.

Mr. S. S. DEV : Did the speech relate only to the month of February and no more ?

The Honourable Mr. H. S. LAWRENCE : It is a statement of fact relating to the time at which the budget was produced, and it was a fact that at that time Government were not receiving that increase of revenue to which they were entitled. That remark had no reference to what the intention of Government would be in the coming year.

Mr. M. R. JAYAKAR : Have Government altered their intention since that speech was made ?

The Honourable Mr. H. S. LAWRENCE : Sir, the question of intention did not enter into the speech. I dealt with the actual facts prevailing at that moment.

Mr. B. G. PAHALAJANI : Did it not relate to suspension of revision settlements and to increases under that head ? (No answer.)

Mr. K. F. NARIMAN : Was it not the will of the House that no future revision settlements should take place, and was it not at the request of the House that the committee was appointed ? (No answer.)

(At this stage Mr. G. B. Pradhan rose to ask a supplementary question.)

The Honourable the PRESIDENT : If Government won't reply, what is the use of honourable members asking further questions ? Let us get on to the next question.

LETTER AUTHORIZING REVISED RATES OF ASSESSMENT IN KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on the table their letter authorizing the Settlement Commissioner (Officer ?) or the Collector of Kaira to notify revised rates of assessments in the Kaira district ?

The Honourable Mr. LALUBHAI SAMALDAS: Under Government Resolution No. 7447 dated 21st October 1886 the Collector is authorised to notify revised rates of assessment. This Government Resolution is printed at page 345 of Rao Bahadur Joglekar's Land Revenue Code.

APPOINTMENTS IN THE BOMBAY MEDICAL SERVICE.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state who were the candidates selected by them for the two vacancies in the Bombay Medical Service which were advertised in September 1924 ?

(b) On what principle did Government make the final appointments and what are the age and qualifications of the selected candidates ?

The Honourable Mr. B. V. JADHAV: (a) Mr. Madusudan Babaji Mandhle and Mr. Ghulam Rasul Gulzarkhan Baluch.

(b) Taking into consideration the feelings of the Mahomedans and the Hindu backward communities of the Deccan that the services are overcrowded by other communities and that the members of their own communities have hitherto found the door almost shut against them Government selected these two candidates both of whom have passed the M.B.B.S. Examination of the Bombay University, a qualification which is necessary for entrance into the Bombay Medical Service. Mr. Mandhle is about 34 years of age and acted as Assistant Surgeon in the B. M. S. and Mr. Baluch about 29.

BACKWARD COMMUNITIES IN THE MEDICAL SERVICES.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) how many persons belonging to (1) the Maharatta community, (2) the Gujarat Kunbi community are in the Bombay Medical Service,

(b) whether there are any persons belonging to the above mentioned communities in the Indian Medical Service in this Presidency, and, if so, how many ?

The Honourable Mr. B. V. JADHAV: (a) There are 3 Maharattas but no Gujarat Kunbis in the Bombay Medical Service.

(b) There are no persons belonging to the above communities in the I. M. S. serving in this Presidency.

CONFERENCE HALL AT GENEVA.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether they have received any intimation in regard to the international competition for the design of a conference hall at Geneva organized by the League of Nations?

(b) If the reply to the above be in the negative, will Government be pleased to state whether they have approached or intend to approach the Government of India for the necessary information in regard to this matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:
(a) No such intimation has been received from the Government of India.

(b) The reply is in the negative.

POTTERY DEPARTMENT ATTACHED TO J. J. SCHOOL OF ARTS.

* Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(1) In what year the Pottery Department attached to the J. J. School of Arts was started?

(2) What sum has so far been spent on the department?

(3) How many students in pottery did the department turn out so far and where are they posted?

The Honourable Mr. B. V. JADHAV: (1) This has already been answered.

(2) A sum of Rs. 2,54,331-7-4 has been spent on this department from its start to 31st March 1924 on account of recurring expenditure and of Rs. 1,52,197-13-4 on account of non-recurring expenditure, i.e., Rs. 1,30,987-0-0 for buildings and Rs. 21,210 for equipment.

(3) The accompanying statement† gives the requisite information.

ENGLISH CLASSES AT PIMPALNER IN WEST KHANDESH.

* Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(1) Whether they are aware that the District Local Board, West Khandesh, has applied for permission to attach English classes to the vernacular school at Pimpalner?

(2) When was the application made?

(3) When was it finally decided?

(4) What is the decision?

(5) The reasons for such a decision.

The Honourable Mr. B. V. JADHAV: (1) Yes.

(2) 14th May 1924.

*This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

† File Appendix 24.

(3), (4) and (5) Sanction was accorded to the opening of the classes in May 1925. The delay is mainly due to the fact that the question of providing the requisite funds had first to be considered.

**PUBLIC ESTIMATES OF THE ANNEWARI OF CROPS IN SOME VILLAGES
IN SINDKHEDA TALUKA IN WEST KHANDESH.**

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) What is the official estimate of the annewari of crops at Patan, Dalwade, Dondaicha, and Sindkheda in the Sindkheda taluka ?

(b) Whether they are aware that a survey was made in these villages by two pleaders with the help of local agriculturists and they have reported that the annewari in these villages ranges from nil to four annas ?

The Honourable Mr. LALUBHAI SAMALDAS :

(a) The annewari is given below :—

Patan	..	..	9
Dalwade	..	..	7
Dondaicha	..	..	7
Sindkheda	..	..	7

(b) No.

Mr. S. S. DEV : I do not ask question No. 4.*

PROBATIONERS IN GOVERNMENT HIGH SCHOOLS.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state whether it is a fact that teachers who have put in not less than six years of service in Government high schools and who are probationers have been informed that their services may be dispensed with at any time ?

The Honourable Mr. B. V. JADHAV : The reply is in the affirmative.

COURSE OF INSTRUCTION IN TRAINING SCHOOLS.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(1) Whether it is true that they intend to revise the course of instruction in training schools with a view to shorten the course from three years to two years ?

*The following question and answer were printed as Question No. 4 in the 2nd List of Questions and Answers :

SUSPENSION OF REVISED RATES OF ASSESSMENT IN SINDKHEDA TALUKA.

4. Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) whether they are aware that at the District Conference for West Khandesh held at Shirpur on 31st January and 1st February 1925 a resolution was passed that the revised rates should not be introduced in the Sindkheda taluka till the Committee appointed by Government in pursuance of the resolution of this Council passed in March 1924 has submitted its report ?

(b) Do Government propose to take any action on this resolution ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) No.

(2) If so, whether they have called for the opinions of the Deputy Educational Inspectors and Principals of Training Schools and Colleges?

(3) If the said opinions be received, how many of the officers consulted are in favour of the view and how many are opposed to it?

(4) Will Government be pleased to place on the Council table the draft course and the opinions thereon?

The Honourable Mr. B. V. JADHAV: (1) The third year classes in training colleges for men have already been abolished (*vide* Press Note No. 1994, dated the 11th October 1923). This will naturally involve a revision of the course of instruction prescribed for the first two years.

(2) The draft new course was discussed at a Conference of Educational Inspectors held in the office of the Director of Public Instruction in November last at which the Principals of the Secondary Training College and the Training College for Men, Poona, were also present. The Deputy Educational Inspectors were not invited to attend this Conference as they were not directly concerned with the question.

(3) All members of the Conference with one exception approved of the new course.

(4) The receipt of the proposed new course is awaited from the Director of Public Instruction.

CONSTRUCTION AND REPAIRS TO BOUNDARY MARKS IN POONA DISTRICT.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) in which of the talukas of the Poona district the work of construction and repair of boundary marks is in progress;

(b) what arrangements are made by Government to help the landholders to erect or repair the boundary marks at the exact place so as to avoid the trouble and expenditure by landholders erecting boundary marks in a wrong place;

(c) what amount has been recovered and what are the arrears of charges for construction and repair of boundary marks by Government agency in taluka Khed of the Poona district up to the end of December 1924;

(d) whether it is one of the duties of watandar Mahars to watch boundary marks? Are orders issued to watandar Mahars to assist the landholders in repairing the boundary marks?

The Honourable Mr. LALUBHAI SAMALDAS: (a) In all of them.

(b) The circle inspector goes round and points them out to the landholders.

(c) The amount recovered during the year ending 31st December 1924 on account of the construction and repairs of boundary

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

marks was Rs. 1,071-14-8 and the amount of arrears at the end of December 1924 was Rs. 1,374-9-4.

(d) No.

Mr. G. B. PRADHAN: Are Government aware that the amounts that are recovered for putting these boundary marks come to 50 per cent. of the assessment levied on the land ?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

Mr. H. D. SAHEBA: Is it one of the duties of the circle inspector to point these out ?

The Honourable Mr. LALUBHAI SAMALDAS: The question has already been answered.

GAIRAN IN POONA DISTRICT.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the names of the remaining 36 villages of the Khed taluka of the Poona district which have got sufficient *gairan* as appears from their reply to my question No. 5 published in the 1st list for the third session of 1924 ;

(b) the number of cattle according to latest available information in each village and the area of *gairan* in each village in the 57 villages which have insufficient *gairan* ;

(c) how many of the 36 villages are inam villages with their names ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) 1. Golegaon, 2. Shidhegawhan, 3. Lakhangaon, 4. Dewgaon, 5. Biradwadi, 6. Rohakal, 7. Pimpari Khurd, 8. Bhose, 9. Gonawadi, 10. Peth, 11. Nimgaon, 12. Retawadi, 13. Pimpalgaon, 14. Chandoli, 15. Alandi, 16. Kelgaon, 17. Jaulke Budruk, 18. Bhamboli, 19. Shelu, 20. Asekhed, 21. Sawardari, 22. Shinde, 23. Kanhersar, 24. Pur, 25. Gosasi, 26. Bibi, 27. Darakwadi, 28. Adgaon, 29. Pait, 30. Saburdi, 31. Kharoshi, 32. Kolharwadi, 33. Kadus, 34. Khalumbre, 35. Kanhewadi, 36. Padali.

(b) The appended statement † contains the required information.

(c) 1. Gonawadi, 2. Peth, 3. Nimgaon, 4. Retawadi, 5. Alandi, 6. Kelgaon, 7. Jaulke Budruk, 8. Bhamboli, 9. Shelu, 10. Asekhed, 11. Sawardari, 12. Kanhersar, 13. Pur, 14. Gosasi, 15. Adgaon, 16. Pait, 17. Kharoshi, 18. Kolharwadi, 19. Kadus, 20. Khalumbre, 21. Kanhewadi.

AREA OF GAIRAN IN KHED TALUKA.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) what was the area of *gairan* in the Khed taluka of the Poona district in the year 1879 or before the passing of the Bombay Land Revenue Code and what is it in the year 1924 ;

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

†Vide Appendix No. 25.

(b) the number of villages in the Khed taluka which have not got grazing land at the rate of one acre for every two head of cattle ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Information regarding the area of *gairan* in the year 1879 or before the passing of the Land Revenue Code is not available; the area of *gairan* was 11,843 acres 10 gunthas in 1924.

(b) 158.

ENHANCED FEES PER HEAD OF CATTLE.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware of the hardships caused to agriculturists by their being required to pay enhanced fee of Re. 1 per head of cattle if the cattle go into Government forest in the neighbouring village, even though their own villages cannot afford sufficient grazing land;

(b) the amounts realized from grazing fees at ordinary and enhanced rates in respect of village cattle and non-village cattle, the amounts of auction sales for cutting grass and the amounts of damages and fines from 1st January to 31st December 1924 in the Khed taluka of the Poona district ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Government do not consider it a hardship for villagers to pay a fee of Re. 1 per head for grazing their cattle in Government forests outside the limits of their village. On the other hand Government are of opinion that it would be a great hardship to the agriculturists of a forest village if their grazing grounds were invaded by large numbers of cattle from other villages on payment of the same fee as the village cattle paid.

	Amount realised.		
	Rs.	a.	p.
(b) Grazing fee at ordinary rates in respect of village cattle	7,192	3	0
Grazing fee at enhanced rate in respect of non-village cattle	1,557	0	0
Auction sales for cutting grass	4,145	0	0
Damages and fines	301	12	0

RAIN GAUGES IN POONA DISTRICT.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) in which villages rain gauges are located in the Khed taluka of the Poona district;

(b) which of them are under the control of the Revenue and which that of the Public Works Department ?

The Honourable Mr. A. M. K. DEHLAVI: (a) Khed, Alandi Choda, Peth, Asne, Aupa, Bhimashankar, Manchar, Vada, Chas-Kaman, Pokhari.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(b) The first three are under the Revenue Department and the rest under the Public Works Department.

RECORDS OF INAM VILLAGES IN POONA DISTRICT.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the orders, if any, in force as to the safe custody of the records of inam villages, in which there are many sharers, belonging to inamdars, and which are consequently not sent to Government taluka office in the Poona district; and as regards the way in which the public can have access to such records?

The Honourable Mr. LALUBHAI SAMALDAS: There are no special orders regarding the custody of records in inam villages in which there are many sharers. Such records are left with the principal inamdar.

CASH ALLOWANCES FROM INAM VILLAGES IN THE POONA DISTRICT TO HAKDARS AND AMALDARS.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the amount of cash allowances remitted to taluka treasuries from inam villages of the Poona district for being paid to *hakdars* and *amaldars* such as Deshmuk, Deshpande, Gramjoshi, Mokashi and others, which is still lying undisbursed in each taluka up to the end of December 1924?

The Honourable Mr. LALUBHAI SAMALDAS: The amount according to each taluka is as shown below:

Name of taluka or peta.	Amount.	
	Rs.	a. p.
1. Junnar	19	6 0
2. Khed	404	1 0
3. Mawal	102	10 0
4. Haveli	439	13 3
5. Sirur	187	13 5
6. Purandhar	590	1 3
7. Dhond	2	0 0
8. Bhimthadi .. .. .	.....
9. Indapur .. .. .	.....
10. Ambegaon .. .. .	.....
11. Mulshi .. .. .	.....
Total	1,745	14 11

ANTI-RABIC TREATMENT.

* Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) The number of patients treated for anti-rabic treatment in each centre of this presidency from 1st January 1924 to 31st December 1924?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(b) How many of them were Government servants and how many were private persons ?

(c) The number of patients who are reported to have died even after having received the treatment ?

(d) What is the total amount of fees recovered from the patients during year ending 31st December 1924 ?

(e) How many patients were treated free ?

The Honourable Mr. B. V. JADHAV: The accompanying statement* furnishes the information required.

CROPS IN KHED TALUKA, POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether they are aware that the first crops in the western portion of the Khed taluka of the Poona district suffered heavily from insects this year ?

(b) If so, what help was given to the agriculturists who suffered, by the Agricultural and Revenue Departments ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) No.

(b) Does not arise.

REMUNERATION OF WATANDAR PATILS IN POONA DISTRICT.

†Mr. N. R. GUNJAL (Poona District): What is the minimum and what is the maximum amount of annual remuneration given to any individual watandar patil in the Poona district :

(a) In the case of those who have watan lands,

(b) In the case of those who have not got watan lands ?

The Honourable Mr. LALUBHAI SAMALDAS:

In the case of those who have watan lands.		In the case of those who have not got watan lands.	
Minimum remuneration.	Maximum remuneration.	Minimum remuneration.	Maximum remuneration.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1 8 0	170 0 0	1 0 0	185 8 0

The village in which Re. 1 is being paid as mushahira to the watandar patil is Dhangole in Petha Mulshi. It was fixed in 1897 on Rs. 37, the revenue of the village. The village is uninhabited.

SARDARS, INAMDARS AND JAHAGIRDARS, EXERCISING MAGISTERIAL POWERS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether there are any sardars, inamdars or jahagirdars

* Vide Appendix.

† This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

who are allowed to exercise magisterial powers within their inam villages in the Bombay Presidency? If so, who are they?

The Honourable Sir MAURICE HAYWARD: A statement* giving the required information is placed on the Council table.

PATAS UNION CO-OPERATIVE CREDIT SOCIETY.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether the Assistant Registrar, Central Division, Poona, and Registrar, Co-operative Societies, Bombay Presidency, received any applications recently from the members and others in the matter of loss sustained by members of the Patas Union Co-operative Credit Society, peta Dhond, district Poona?

(b) If so, what action has been taken by those officers on them?

The Honourable Mr. A. M. K. DEHLAVI: Applications were received from members of the Patas Co-operative Credit Society.

(b) On enquiry it was found that there was no truth in the allegations made and so no action was taken.

INAMDAR'S CONTROL OVER TALATI IN THE MATTER OF KEEPING VILLAGE RECORDS.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether an inamdar is entitled to take any action against the talati of his village if he neither keeps village records according to the forms in use in the neighbouring Government village nor as the inamdar orders him to keep them?

(b) If so, what action can he take?

(c) Whether the village officers in inam villages are responsible to the inamdars for supplying information and keeping records in the same way as they are responsible to Government in "khalsa" villages?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The inamdar can report against the talati of his village if he finds that he does not keep the village records according to the prescribed forms. The talati is not however bound to keep them according to the inamdar's orders.

(b) The inamdar can report the matter to the Sub-divisional officer who can deal with the talati's default under section 32 of the Land Revenue Code.

(c) No. The extent of responsibility differs. The talatis are necessarily a part of the ordinary revenue staff of the district and are liable to serve in any part of it. They are, however, according to the standing orders of Government bound to supply information to the inamdar regarding the Collector's orders affecting the revenues of his village.

ANCIENT MONUMENTS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) which ancient monuments are declared to be protected in the Poona district;

*Kept in the Secretary's office.

(b) what amount was spent during the last year for the repairs of these monuments ;

(c) whether any amount was spent for the repairs of the ancient monument known as Dilawarkhan's masjid at Khed and the adjoining monument during 1923-24 ;

(d) if Government are not able to spend any money owing to retrenchment policy, whether the manager of the premises will be allowed to make the necessary repairs as far as his funds permit ?

The Honourable Mr. COWASJI JEHangIR: (a) Twenty-eight monuments have been declared protected under the Ancient Monuments Preservation Act in the Poona district as per list* attached.

(b) A total sum of Rs. 15,015 was allotted during the year for carrying out current or annual repairs and maintenance, and special repairs to the monuments. The net figures of expenditure have not yet been received from the officers concerned.

(c) Yes. Rs. 58-0-0.

(d) Inasmuch as the monument is an important building, the repairs cannot be entrusted to private agency ; but all measures that may be found necessary from time to time for the preservation of the building will be executed by the Public Works Department under the supervision of the Archæological Department.

MOULVIRAFIIDDIN AHMAD : May I ask the Honourable Member whether there is no other besides these ?

The Honourable Mr. COWASJI JEHangIR: None.

ANCIENT MONUMENTS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether any of the monuments in the Poona district were visited by the officers of the Archæological Survey Department, and, if so, which and by whom during 1923-24 ;

(b) whether any conservation notes were drawn up in respect of any and, if so, which ;

(c) whether any of the suggestions were carried into effect ?

The Honourable Mr. COWASJI JEHangIR: (a) The following monuments were visited by the Superintendent and Assistant Superintendent of the Western Circle during 1923-24 ;—

(1) Caves at Karla.

(2) Caves at Bhaja.

(3) Sinhagad Fort.

(4) Narayanesvara temple at Purandhar.

(5) Caves at Bhamburda.

(6) Kotwal's residence in Poona Cantonment.

(7) Shanwar Wada, Poona City.

(b) Yes, in respect of Nos. 1, 2 and 7.

(c) The suggestions are being carried out.

MEDICAL TREATMENT FOR FEMALE PATIENTS IN POONA.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) what arrangements exist at present in the city and district of Poona for the free treatment of female patients suffering from diseases peculiar to women?

(b) Is there any female assistant surgeon or female subordinate medical officer employed by Government, for the special treatment of females in the Sassoon Hospital, Poona.

The Honourable Mr. B. V. JADHAV: (a) In Poona City arrangements for the free treatment of female patients suffering from diseases peculiar to women exist at (1) the King Edward Memorial Hospital for women and children, (2) St. Margaret's Hospital and (3) N. M. Wadia Hospital. The first two institutions are in charge of lady doctors.

Outside Poona city there are no special facilities in the district for such treatment.

(b) There are three women medical officers attached to the Sassoon Hospitals, Poona, namely—

(1) one woman subordinate medical service officer attached to the female ward, (2) one woman L.C.P.S. as House Surgeon to the maternity ward, and (3) one woman medical graduate as honorary gynaecologist attending the outdoor department.

GOVERNMENT CONTRIBUTION TO MEDICAL INSTITUTIONS IN POONA.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they contribute any annual amounts to—

(1) the King Edward Memorial Hospital for women and children, Poona;

(2) any mission hospitals in Poona district;

(3) any medical institutions other than missionary in the city of Poona?

The Honourable Mr. B. V. JADHAV: (1) Yes. Rs. 4,000 a year.

(2) Government contribute (a) an annual grant of Rs. 450 to the N. M. Wadia Hospital, United Free Church of Scotland Mission, Poona, for telephone charges, and (b) a capitation grant to the mission in connection with the Kondwa Leper Asylum at the rate of Rs. 10 for every statutory adult leper and Rs. 5 for every statutory child leper.

(3) No.

ASSETS AND LIABILITIES OF THE LATE KHED MUNICIPALITY.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) what were the assets and liabilities of the Khed municipality when it was abolished three years ago?

(b) How these assets and liabilities have been disposed of by Government and the district local board, Poona?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

				Rs.	a.	p.
(a) Assets	..	..	..	1,200	0	0
Liabilities	..	..	..	4,042	10	2

(b) To meet the liabilities of Rs. 4,042-10-2, the assets of the municipality consisting of the items shown in the accompanying statement,* of the value of Rs. 1,200 were sold to the district local board for that amount, and the rest of the liabilities were written off by Government.

RECOVERY OF BAZAAR TAX BY KHED VILLAGE PANCHAYAT.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether the village panchayat, Khed, is allowed to recover bazaar tax ?

(b) Is the amount recovered by them recovered as rent for the land used in the weekly bazaar ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) Yes.

(b) Yes.

SCALE OF PAY OF VETERINARY ASSISTANT SURGEONS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) Whether it is a fact that the veterinary assistant surgeons of the Civil Veterinary Department, Bombay, are in some cases entitled to less amount of pay according to the scale revised from 1st April 1924 as compared with the old scale ?

(b) If so, what steps have they taken to remove the anomaly ?

(c) Have Government received any memorials, regarding the recent revision of pay from 1st April 1924, and copies of Resolutions passed at the conferences of the Bombay Veterinary Graduates' Association in December 1921 at Poona, in May 1923 at Dharwar, and in March 1924 at Surat ?

(d) If so, what steps do Government propose to take on them ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) The former two grades of veterinary assistant surgeons of Rs. 65-3-95 and Rs. 100-3-130 in the presidency proper were converted into one grade of Rs. 60-4-140. The revised scale was brought into effect from 1st April 1924 and the men in service on that date were allowed to start in the new scale at the nearest multiple of Rs. 4. Thus the starting pay in the new scale was not less than the pay which the veterinary assistant surgeons were actually getting before 1st April 1924. Owing to the effect to the new scale being given from 1st April 1924, those who were due for increments under the old scales soon after 1st April 1924 or some time after that date were put to a total loss ranging from Rs. 3 to Rs. 20 during the year 1924-25. This is an ordinary incidence of revision and the loss is made up by the next increment becoming due earlier than before and also by the increase in the rate of the increment.

* Vide Appendix No. 28.

- (b) Does not arise.
- (c) Government received memorials from veterinary assistant surgeons in July 1922 and also resolutions passed at the conferences of the Bombay Veterinary Graduates' Association held in March 1923 and March 1924.
- (d) The pay of the veterinary assistant surgeons was revised in 1920 and again in 1924 and Government do not consider that any further revision is necessary.

BOMBAY VETERINARY COLLEGE REFORMS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they have considered the feasibility of introducing the reforms at the Bombay Veterinary College as indicated in the resolution moved by Mr. M. A. Havelivala, M.L.C., in the Bombay Legislative Council on 17th March 1921 with a view to affiliate the Bombay Veterinary College to the University of Bombay?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The reforms suggested by Mr. Havelivala were as follows:—

- (1) That only matriculated students should be admitted to the Bombay Veterinary College.
- (2) That written examinations should be re-introduced.
- (3) That College vacations should not only be curtailed but brought in a line with those at the Grant Medical College.
- (4) That text-books should be prescribed by the Government and not changed without their express sanction.
- (5) That examinations should be conducted exclusively by outsiders on lines laid down for university examinations.
- (6) That the status and pay of the subordinate civil veterinary establishment should be improved so as to draw good material to the College.

In another Resolution Mr. Havelivalla suggested that the Bombay Veterinary College should be affiliated to the Bombay University.

In regard to (1) Government are advised that the raising of the standard of admission as proposed would seriously affect the number of applicants for admission to the College and in the present state of veterinary progress the restriction of candidates would not be in the interests of the Presidency.

The suggestions at (2) and (3) have been carried out.

With regard to (4) under No. 38 of the College Rules, the discretion to prescribe text-books vests in the principal. Government see no reason to alter this arrangement as the principal is in constant touch with his pupils and is in a position to gauge their capabilities and requirements. Government have, however, suggested to the principal that the existing text-books should be replaced wherever possible by more up-to-date books suited to the syllabus.

As regards (5) the examinations at the College are now conducted by a Board consisting of the Principal of the College, the Superintendent, Civil Veterinary Department, Bombay Presidency, and the Principal

of the Veterinary College, Madras. The latter two officers are outsiders. This arrangement has worked satisfactorily for several years past and Government see no reason to alter it.

As regards (6) the pay of the subordinate civil veterinary establishment was revised in 1920 and again in 1924. No further revision appears to be necessary.

The proposal to affiliate the Bombay Veterinary College to the Bombay University is not feasible as a higher qualification than the First Year's Arts Examination is required by the University for admission to the professional colleges; and the prospects of the veterinary profession in this presidency are not at present such as to attract men of this higher standard of education. Government are of opinion that the graduates turned out by the Bombay Veterinary College meet the veterinary requirements of the public in an adequate degree and that there is no justification at present for raising the standard of admission which would materially increase the cost of veterinary education and administration.

VETERINARY DEPARTMENT STAFF.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether it is a fact that the present staff of the Veterinary Department, Bombay, is not sufficient in view of the ravages caused by various cattle epidemics?

(b) If so, what steps have Government taken for coping with such outbreaks?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) The present strength of the subordinate veterinary establishment is not adequate to deal with abnormal epidemics of cattle diseases.

(b) The scheme sanctioned in 1906 by the Secretary of State for the creation of a Provincial Veterinary Service for the Bombay presidency contemplated the appointment of one veterinary assistant surgeon for each taluka, one veterinary inspector for each district and one deputy superintendent for each revenue division. This scheme was sanctioned on the assumption that each taluka would in due course be provided with a dispensary in charge of a veterinary assistant surgeon. The reluctance of the district local boards to open more dispensaries has interfered with the expansion of the department. In order to encourage the district local boards to open new dispensaries and to continue to maintain the present dispensaries Government made an extra provision of Rs. 10,000 in the current year's budget for grants to new dispensaries and for increased grants to existing dispensaries. Under the rules for the working of the Civil Veterinary Department the veterinary assistant surgeon attached to a dispensary visits villages in the neighbourhood of his dispensary. The number of veterinary assistant surgeons in the presidency proper has increased from 36 in 1909-10 to 110 during the current year. In addition to the men attached to dispensaries a certain number is kept in reserve to attend to outbreak duty. This number is generally 20 per cent. of the number attached to dispensaries.

PHOTO-COPYING SYSTEM OF REGISTRATION.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state how the permanency of photo-prints was tested before the introduction of the system ?

The Honourable Mr. A. M. K. DEHLAVI: The photo-prints are prepared by the ferro-cyanide process, and it is generally known that such prints are more durable than copies written by ink. No test was made as none was considered necessary.

PHOTO-COPYING SYSTEM OF REGISTRATION.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether they have received any memorials and resolutions passed at public meetings against the introduction of the photo-copying system ?

(b) If so, how many and how have they been disposed of ?

The Honourable Mr. A. M. K. DEHLAVI: Government have received memorials from the inhabitants of the Bhimthadi taluka and of Baramati in the Poona district, Satara, Karad and Walwa talukas of the Satara district, Sholapur district and of Soundalgi in the Belgaum district. They have also received memorials from the Bombay Incorporated Law Society and the Bombay Chamber of Commerce. The objections against the photo-copying system raised in the memorials have been dealt with in Press Note No. 143, dated 28th August 1924, issued by the Director of Information.

ABOLITION OF FREEHAND DRAWING.

Mr. M. R. JAYAKAR (Bombay University): (1) Will Government be pleased to state whether, beyond the reasons generally mentioned in the Press Communiqué on the subject, there were any and what reasons for issuing the resolution on the abolition of Freehand Drawing ?

(2) Will Government be pleased to lay on the Council table the correspondence, if any, dealing or connected with the said resolution ?

(3) Are Government aware of the widespread dissatisfaction which the said resolution has caused amongst the public ?

(4) Was the said resolution based upon considerations of economy ? If so, will Government be pleased to state what money they expect to save ?

(5) Was the said resolution approved by any persons competent to judge the question ?

(6) Was the Principal of the Arts School consulted on the subject ? If so, what was his opinion thereon ?

(7) Will Government be pleased to lay on the Council table a copy of his opinion on the question ?

The Honourable Mr. B. V. JADHAV: (1) The reply is in the negative.

(2) Attention is invited to the reply given to the latter portion of part (a) and part (b) of the question on this subject put by the

honourable member for Kaira district at the last session of the Legislative Council.*

(3) Government are aware that the resolution in question has caused dissatisfaction among certain sections of the public. They have decided to appoint a Committee as soon as possible to advise them on the question, and are also consulting certain Educational experts in regard to it.

(4) The reply is in the negative.

(5), (6) and (7) attention is invited to the replies given to parts (b), (c) and (d) of the question* on the subject put by the honourable member for Kaira district at the last session of the Legislative Council.

SCHEME FOR ENCOURAGING INDIAN ART IN DELHI.

Mr. M. R. JAYAKAR (Bombay University): (1) Will Government be pleased to state whether they have addressed the Government of India on the subject of the Prix de Delhi scheme of encouragement of Indian Art?

(2) If not, will Government be pleased to state whether their opinion has been taken on the said scheme?

(3) If not, do Government propose to address the Government of India on the said subject?

(4) Are Government aware of any alternative scheme of encouraging Indian Art in Delhi?

(5) If so, will Government be pleased to state whether they intend to take any and what part therein?

The Honourable Mr. B. V. JADHAV: (1), (2) and (3) The Government of Bombay have in December 1922 addressed the Government of India on a scheme for the Improvement of Indian Arts and Crafts which was initiated by Lieutenant de la Coze in England in 1920. They have not addressed the Government of India, nor has their opinion been taken, subsequently on any other scheme on the subject. They are, however, considering the question of addressing the Government of India on the Prix de Delhi Scheme discussed at a Conference on Indian Art held under the auspices of the India Society in June 1924, at the British Empire Exhibition, Wembley.

(4) The reply is in the negative.

(5) This part of the question does not arise in view of the reply to part (4) of the question.

MOULVI RAFIUDDIN AHMAD: May I ask the Honourable Minister if he can throw any light on this gentleman Lieutenant de la Coze?

The Honourable Mr. B. V. JADHAV: I am sorry I am unable to supply the information.

* Vide pages 780-781, Vol. XIV, B. L. C. Debates.

PASTURE LAND IN DHARWAR DISTRICT.

Mr. V. N. JOG (Dharwar District): (a) Will Government be pleased to state what is the quantity of pasture land available for the grazing of cattle in each village of the Dharwar district?

(b) Will Government be pleased to state what is the minimum of pasture land, according to the scale laid down by them, necessary for each 100 head of cattle in a village in the Dharwar district?

(c) Will Government be pleased to state how many villages in the Dharwar district have and how many have not the minimum quantity of pasture land necessary for their cattle?

The Honourable Mr. LALUBHAI SAMALDAS: (a) and (c) There are 1,463 villages in the Dharwar district. The detailed information called for in regard to all these villages would involve an undue amount of time and trouble to collect and Government do not think that any public purpose would be served thereby.

(b) No particular standard has been laid down, but roughly one acre of pasture land would provide sufficient grazing for two head of cattle.

CANDIDATES ENLISTED IN THE CIVIL COURTS OF BELGAUM, DHARWAR AND BIJAPUR DISTRICTS.

2. Mr. V. N. JOG (Dharwar District): (a) Will Government be pleased to state the number of candidates enlisted in the civil courts of the districts of Belgaum, Dharwar and Bijapur?

(b) Will Government be pleased to state in a tabular form how many of them are Brahmins and how many non-Brahmin Hindus, how many Mahomedans and other non-Hindus?

(c) How many Brahmin candidates are senior in the list in each District.

The Honourable Sir MAURICE HAYWARD: A statement † giving the required information is laid on the Council table.

POLICE PATIL OF DHARANGAON.

* Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) Whether there are any rules as regards a police patil being invested with special powers under sections 15 and 16 of the Village Police Act VIII of 1867, and whether the rules provide under what circumstances such powers, when conferred, can be withdrawn?

(b) Is it a fact that the present police patil of Dharangaon in East Khandesh was invested with such powers, that later on his powers were withdrawn and that again they were re-conferred on him? If so, on what grounds were they withdrawn and re-conferred, respectively?

† This question was asked at the meeting held in February-March 1925 when an *ad interim* reply was given.
part (a) Appendix No. 29.

(c) Have any complaints been received against him during the last 5 years by the district authorities? If so, of what nature were they, and if any inquiry into them has been made, what has been its result?

(d) Has he been nominated as a police patil by the representative watandar or appointed by Government?

The Honourable Sir MAURICE HAYWARD: (a) There are no such rules.

(b) He was invested with such powers in 1914 and they were withdrawn in 1915 on the establishment of the Dharangaon municipality. They were re-conferred in 1918 presumably because powers under Section 15 only fall within the duties of the Dharangaon municipality.

(c) There was an anonymous petition in respect of which nothing was substantiated in 1923 and a complaint on the 6th October 1924 by the honourable member for East Khandesh. The police patel had imposed a fine of one rupee on a municipal councillor who was represented by the honourable member. The District Magistrate had no jurisdiction to interfere and referred the honourable member to the High Court.

(d) He nominated himself as revenue patil and was appointed pending his service as revenue patil also to be police patel on behalf of Government.

Mr. P. G. JOSHI: May I know the nature of the complaint contained in the anonymous petition mentioned in (c)?

The Honourable Sir MAURICE HAYWARD: I would refer the honourable member to the honourable member for East Khandesh.

Mr. P. G. JOSHI: I am very thankful to the honourable member for referring me to myself, but I may state that I never made the anonymous petition against the police patel. I want to know the nature of the complaint contained in the anonymous petition presented to Government in 1923.

The Honourable Sir MAURICE HAYWARD: I apologise to the honourable member. I see there was an anonymous petition from a person whose name I do not know, besides the complaint from the honourable member. I cannot say what was in the anonymous petition. As regards the other complaint, that is known to the honourable member.

Mr. P. G. JOSHI: May I know the charges in the anonymous petition which were not substantiated.

The Honourable Sir MAURICE HAYWARD: I think inquiry was made and it was found that the statements were not true.

Mr. P. G. JOSHI: May I know from what persons inquiry was made?

The Honourable Sir MAURICE HAYWARD: I cannot say that without notice. It is sometime ago that I saw the papers.

OFFICES HELD BY THE MEMBERS OF THE I.C.S.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to give a list of offices (excepting those mentioned in the third Schedule B of the Government of India Act) held at present by

members of the Indian Civil Service in this presidency, with the pay and emoluments attached to each office ?

The Honourable Mr. H. S. LAWRENCE : A reference is invited to the Bombay Civil List which is published every quarter.

Mr. P. G. JOSHI : May I know if the honourable member is aware that quarterly Civil List is not supplied to honourable members ?

The Honourable Mr. H. S. LAWRENCE : It is available on purchase.

Mr. P. G. JOSHI : Are there no changes in the quarterly Civil List ?

The Honourable Mr. H. S. LAWRENCE : There is a list published every quarter.

Mr. P. G. JOSHI : But we have not been supplied with it.

The Honourable Mr. H. S. LAWRENCE : There is a copy in the Council Library.

ORDERS PASSED UNDER SECTION 72D (4) OF THE GOVERNMENT OF INDIA ACT.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to lay on the Council Table all the orders passed by His Excellency the Governor under Section 72D (4) of the Government of India Act, since 1921 ?

The Honourable Mr. H. S. LAWRENCE : The attention of the honourable member is invited to the reply given to question No. 14 put by Mr. C. M. Gandhi in the Council Sessions of July 1922. The following orders were subsequently passed by the Governor under section 72D (4) of the Government of India Act, copies* of which are placed on the Council table :—

(a) Government Resolution No. 2590 dated 14th November 1923.

(b) Government Circular No. 586 dated 3rd October 1923.

(c) Government Circular No. 1765 dated 28th June 1923.

(d) Government Order No. 1677 dated 12th March 1923.

GOVERNMENT AIDED HOSTELS.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) the names of the Government aided hostels in this presidency, and

(b) the amount spent by them in aid of such hostels in 1921-22, 1922-23, 1923-24 and 1924-25 ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

WORKING OF THE ENTERTAINMENTS DUTY ACT.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether they have received a memorial from Mr. V. N. Datar and other members of the Committee appointed by the Natya Samaj

* Vide Appendix No. 30.

Sammelan Conference held at Sangli last year regarding their grievances about the working of the Bombay Entertainments Duty Act, 1923 ;

(b) what income was derived from charging seats costing eight annas and less under the said Act during 1923-24 and 1924-25.

(c) whether, in view of the fact that the labouring and poor classes generally purchase admission tickets of lower rates, they intend to take steps to exempt from payment of the tax all seats costing eight annas and less as suggested in the memorial ;

(d) whether they intend to remove the restrictions on the issue of complimentary tickets as represented in the memorial.

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) It is not possible to give even approximately correct figures as all the theatres and cinema companies are not paying the tax by means of returns under section 4 (2) (a) or (b) of the Bombay Entertainments Duty Act.

(c) and (d) No.

APPLICATIONS REGARDING IMPORT DUTY ON FOREST PRODUCE.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether the Chief Conservator of Forests has received any applications from the timber merchants of Dharangaon, Jalgaon and Maheji in the East Khandesh district regarding the import duty on waggons of forest produce ;

(b) if so, whether any orders have been passed on these applications, and if so, to what effect ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) Yes ; the applicants have been informed that the rates of duty leviable on forest produce imported into East and West Khandesh districts from Hyderabad, Indore and Barwani States have lately been revised and that they must pay duty at the revised rates.

Mr. P. G. JOSHI : May I know under what section of the Forest Act import duty has been levied on the timber imported in East and West Khandesh ?

The Honourable Mr. A. M. K. DEHLAVI : I do not know.

Mr. P. G. JOSHI : Is such duty levied in any other district ?

The Honourable Mr. A. M. K. DEHLAVI : I do not know.

HOUSE BUILDING WITHIN A MILE OF GOVERNMENT HOUSE, GANESHKHIND.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state under what section of the Bombay Land Revenue Code or the rules thereunder the Governor in Council is empowered to prohibit the construction of buildings within a mile of the Government House, Ganeshkhind, unless his previous sanction has been obtained.

The Honourable Mr. LALUBHAI SAMALDAS : The Governor in Council is so empowered under sections 65 and 67 of the Land Revenue Code.

Mr. P. G. JOSHI : Will the honourable member point me out the exact wording of sections 65 and 67 which empowers the Governor in Council to prohibit the construction of buildings within one mile of the Government House ?

The Honourable Mr. LALUBHAI SAMALDAS : I cannot quote them.

Mr. B. G. PAHALAJANI : Can the honourable member tell the Council whether he knows what is the exact wording of those sections ?

The Honourable Mr. LALUBHAI SAMALDAS : I cannot quote them now.

Mr. B. G. PAHALAJANI : Is he aware of it ?

The Honourable Mr. LALUBHAI SAMALDAS : Yes.

BRIDGE OVER THE TAPTI NEAR SAVKHEDA.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether they are aware of the serious inconvenience caused to passengers and traffic on the Dharangaon-Chopda Road in the East Khandesh district, as there is no causeway or bridge on the Tapti, near Savkheda ;

(b) if so, whether Government intend to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes ; the Dharangaon-Chopda Road forms part of the Mhasawad-Chopda Road. This road belongs to the District Local Board, East Khandesh, but is maintained by the Public Works Department at the expense of the local board. The inconvenience caused to passengers and traffic for want of a causeway or bridge on the Tapti at Savkheda should therefore be represented to the District Local Board, who will have to find the funds for the causeway or bridge on the Tapti.

JURISDICTION OF THE DEULIA DISTRICT COURT.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether, after creating a district court at Jalgaon, they have decided to assign Pachora taluka and Bhadgaon peta to the jurisdiction of the district court at Dhulia ;

(b) if so, whether Government have ascertained the public opinion of Pachora and Bhadgaon in the matter ?

The Honourable Sir MAURICE HAYWARD : (a) and (b) Pachora taluka and Bhadgaon peta are at present under the jurisdiction of the Chalisgaon subordinate judge's court. It is intended to include all the areas subject to that court in the judicial district of West Khandesh.

Mr. P. G. JOSHI : May I know whether Government have ascertained public opinion of Pachora and Bhadgaon in these matters ?

The Honourable Sir MAURICE HAYWARD : I have had a representation of the views of Pachora.

Mr. P. G. JOSHI : To what effect ?

The Honourable Sir MAURICE HAYWARD : To the effect that they would sooner be attached to Jalgaon.

Mr. P. G. JOSHI : Is the representation to the effect that they want to remain under Jalgaon ?

The Honourable Sir MAURICE HAYWARD : They say they would sooner be attached to Jalgaon which is nearer than Dhulia.

CIVIL COURT AT CHOPDA.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether they are aware of the necessity of locating a separate civil court at Chopda in view of its population and importance ;

(b) if so, what action Government intend to take in the matter ?

The Honourable Sir MAURICE HAYWARD : The answer is in the negative.

APPOINTMENT OF JUSTICES OF THE PEACE.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(1) whether it is a fact that the list of J. Ps. for the current year includes the name of one gentleman who has been convicted more than once ;

(2) if so, whether they intend to take any steps in the matter ;

(3) what is the policy followed by them with regard to the appointment of non-official J. Ps. ?

The Honourable Sir MAURICE HAYWARD : Government have made enquiries and have now come to know that one gentleman was convicted on more than one occasion. Government have, however, been informed that the convictions occurred over 25 years ago and that the gentleman at present is a highly respectable member of society. Government have no intention therefore of taking further steps in the matter.

Mr. P. G. JOSHI : May I get a reply to (3), namely, what is the policy followed by Government with regard to the appointment of non-official J. Ps. ?

The Honourable Sir MAURICE HAYWARD : I have already stated that policy and I trust it is within the memory of the honourable member.

Mr. HOOSEINBHOY A. LALLJEE : Is the honourable member aware that the gentleman was fined about ten years ago ?

The Honourable Sir MAURICE HAYWARD : No.

Mr. HOOSEINBHOY A. LALLJEE : Is he aware that he was also fined fourteen years back ?

The Honourable Sir MAURICE HAYWARD : No.

Mr. HOOSEINBHOY A. LALLJEE : If it is a fact, does he propose to take any action ?

The Honourable Sir MAURICE HAYWARD: I am afraid I am not allowed to answer hypothetical questions.

Mr. P. G. JOSHI: May I know when this policy was enunciated in this Council during the last two years—Government's policy?

The Honourable Sir MAURICE HAYWARD: I cannot give you the exact page of the report, but I think you will find it if you search the reports of the past debates in this Council.

SOUTH AFRICAN COAL FOR SUKKUR BARRAGE.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether any South African coal has recently been purchased for the Sukkur Barrage requirements, and, if so, how much and at what rate;

(b) whether it is a fact that the Chief Engineer, Sukkur Barrage, has indented for the South African coal in preference to Bengal coal and, if so, whether it was done with the concurrence of the Honourable Member in charge of the barrage scheme;

(c) whether before the purchase of the South African coal, any tenders were invited and received from Bengal coal merchants and if so what were the rates quoted by them;

(d) the approximate savings which could have been made if the same quantity of first class Bengal coal had been purchased instead of South African coal;

(e) whether they are aware of the declared policy of the Government of India not to do anything to stimulate foreign coal gaining additional ground in the Indian market?

The Honourable Mr. COWASJI JEHangIR: (a) A contract has been made for the supply of Transvaal coal for the Lloyd Barrage works for one year up to 22,000 tons at a flat rate of Rs. 25 per ton F.O.R. Karachi.

(b) Yes. The Chief Engineer, Lloyd Barrage, indented for Transvaal coal in preference to Bengal coal and as he acted within his powers no prior reference was made to the Honourable Member, General Department, in charge of Irrigation.

(c) Tenders were invited and received from Bengal coal merchants before the Transvaal coal was purchased. The rates quoted by them are shown in the statements* attached.

(d) Nil. On the contrary there would have been a financial loss to the work if Bengal coal of similar quality had been ordered.

(e) No. In view, however, of the Resolution adopted by the Legislative Assembly recommending on economic grounds the imposition of a countervailing duty on South African coal imported into India the Government of India decided to refer the question to the Tariff Board and to appoint an expert committee with certain terms of reference. A Notification by the Government of India in this connection was

* Vide Appendix No. 31.

republished in the *Bombay Government Gazette*, Part I, dated 25th September 1924, pages 2227 and 2228.

Mr. G. J. PATEL : Will the Honourable Member state whether the Chief Engineer has got power to place indents of foreign materials without consulting him, when such indents go beyond the value of Rs. 50,000?

The Honourable Mr. COWASJI JEHangIR : Under certain circumstances he has.

Mr. G. B. PRADHAN : May I know up to what amount the Chief Engineer can send indents without consulting the Honourable Member ?

The Honourable Mr. COWASJI JEHangIR : It depends upon what sort of contract it is. There is a regular table laid down in the past, and I think in another question I have been asked and I have given full details. I do not think that question has come up yet.

Mr. D. B. ADWANI : When the Chief Engineer indented for Transvaal coal in preference to Bengal coal, were tenders invited before the purchase was made ? Will the Honourable Member explain ?

The Honourable Mr. COWASJI JEHangIR : That is the question that the honourable member is reading, not the answer.

Mr. D. B. ADWANI : The Chief Engineer, Lloyd Barrage, indented for Transvaal coal in preference to Bengal coal, and I believe tenders were not invited.

The Honourable Mr. COWASJI JEHangIR : That is not quite correct. The whole case has been explained to the House at the budget session. Tenders were called for and the tenderers were asked to quote for both Bengal and Transvaal coal.

Mr. J. C. SWAMINARAYAN : Is the Honourable Member aware that there was an article in the " Commerce " newspaper of Calcutta that Bengal coal was offered for Rs. 21 per ton ?

The Honourable Mr. COWASJI JEHangIR : I have seen that article.

Mr. G. I. PATEL : Was Bengal coal offered at a cheaper rate than South African coal ?

The Honourable Mr. COWASJI JEHangIR : It is not a fact.

Mr. G. I. PATEL : Is it a fact that the total indent order is to the extent of 5 lakhs and over, and in spite of that, the Honourable Member was not consulted ?

The Honourable Mr. COWASJI JEHangIR : I have already informed the House that for this particular indent Government were not consulted and the Chief Engineer had, under the rules in force, power to send indents for coal without prior reference to Government.

Mr. M. R. JAYAKAR : Will the Honourable Member take care to see that such indents are not given in future ?

The Honourable Mr. COWASJI JEHangIR : The rules have been very carefully examined and I can inform the honourable House that I have asked the Chief Engineer to consult Government before he places contracts for coal.

Mr. G. I. PATEL : Will the Honourable Member say whether he has examined the question thoroughly and whether there would have been a financial loss if Bengal coal had been taken in preference to South African coal ?

The Honourable Mr. COWASJI JEHangIR : There would certainly have been a loss under the terms of the last tender. The whole position has been clearly explained to the honourable House already, and it is rather difficult for me to explain the position again in answer to a question. I can only refer my honourable friend to the debate which has been already printed and has been already circulated to honourable members. The whole point has been explained there.

Mr. D. B. ADWANI : Has there been any change in the conditions of the tender ?

The Honourable Mr. COWASJI JEHangIR : The conditions of the tender have been, I think, printed in the papers and I am not in a position to give details as to the change just now.

Mr. D. B. ADWANI : Has any change been made ?

The Honourable Mr. COWASJI JEHangIR : I should like to have notice of that, and I will give details in parallel columns regarding changes, if any, if honourable members want it.

Mr. G. I. PATEL : Has any Bengal coal been ordered or received after the incident occurred ?

The Honourable Mr. COWASJI JEHangIR : I am not in a position to answer that ; a small quantity may have been ordered and delivered. As I said, there are some definite rules in this connection.

MOULVI RAFIUDDIN AHMAD : Will the Honourable Member kindly put them on the Council table ?

The Honourable Mr. COWASJI JEHangIR : I think in another question the information will be supplied. There has been a question asked me and I have given the full rules in that question. I do not think it has come before the honourable House as yet. It will perhaps come in a short time.

BRAHMIN AND BACKWARD CLASS SCHOOL MASTERS IN POONA, SATARA, AHMEDNAGAR, KOLABA AND RATNAGIRI DISTRICTS.

* Mr. N. E. NAVLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state--

(a) the number of school masters belonging to the Brahmin caste and the backward classes in Poona, Satara, Ahmednagar, Kolaba and Ratnagiri districts ;

(b) the number of post offices managed by school masters belonging to the Brahmin caste and the backward classes in these districts ;

(c) the number of school masters of the backward classes who were placed in the selection grade during the last three years ?

The Honourable Mr. B. V. JADHAV : The accompanying statement† gives the information required.

* This question was asked at the meeting held in February-March 1925 when an *ad interim* reply was given.

† Kept in the Secretary's Office.

Mr. N. E. NAVLE: Where is the "accompanying statement"? I do not see it in the question book.

The Honourable Mr. B. V. JADHAV: It is kept in the Secretary's office.

Mr. N. E. NAVLE: I rise to a point of explanation, Sir. Instead of the papers being kept in the Secretary's office, why cannot they be placed on the Council table? Is the Secretary's office the Council table?

The Honourable the PRESIDENT: It is a matter of expediency. When a statement asked for by an honourable member is very bulky and would cost a considerable amount of money to print it, it is placed in the Secretary's office and thus made available to every honourable member.

Mr. N. E. NAVLE: Sir, the difficulty is that unless we have the statements or papers before us, we are prevented from putting supplementary questions.

The Honourable the PRESIDENT: It is not absolutely necessary that in all these questions supplementary questions should be immediately asked. But if the bulky statements require to be studied, the honourable members can study them in the Secretary's office and then frame further questions.

Mr. N. E. NAVLE: But this book of questions is not given in our hands beforehand and there is hardly sufficient time to study.

The Honourable the PRESIDENT: But is it not better to study the papers carefully taking the necessary time and then put the further questions to Government in the ordinary course in order that Government may have ample time to look the papers up and give a full reply?

MOULVI RAFIUDDIN AHMAD: Would it not be better if the Secretary puts the papers here on the Council table instead of in his office?

The Honourable the PRESIDENT: If that is done, honourable members may want to study them in the House and other business may be disturbed. Any member who wishes to see them can go into the Secretary's office and study them there, so that the business in the House may not be disturbed.

INEQUALITY OF PAY IN THE REVENUE DEPARTMENT.

Mr. N. E. NAVLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state whether effect has been given to Government Resolution No. 829 of 17th January 1923, Home Department, to remove the inequality of pay in the Revenue Department especially in cases of clerks? If not, do they intend to give effect to it?

The Honourable Mr. LALUBHAI SAMALDAS: The inequalities of the nature referred to in the pay of Revenue Subordinates which were reported to Government have already been removed by granting the senior men the same rate of starting pay under the revision scheme to which their juniors were entitled by virtue of their having earned advance increments.

**CULTIVATION OF BOUNDARY STRIPS IN GADAG TALUKA,
DHARWAR DISTRICT.**

*Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether they are aware that boundary strips are ploughed or sown or are otherwise used for cultivation in Gadag taluka in Dharwar district, contrary to the provisions of rule 98A of the rules made under section 214 of the Land Revenue Code?

(b) If so, whether Government contemplate taking any steps in the matter?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) The Collector has been asked to take necessary steps in the matter.

**CULTIVATED, UNCULTIVATED AND FREE GRAZING AREA IN
DHARWAR DISTRICT.**

* Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state:—

(a) the total cultivated area in the Dharwar district,

(b) the total uncultivated area in the said district,

(c) the total area available for free grazing in each of the talukas of the said district?

The Honourable Mr. A. M. K. DEHLAVI: (a) and (b) Already answered.

(c)—

	Acres.
Dharwar	2,768
Kalghatgi	1,730
Hubli	2,083
Ranebennur	1,000
Kod	2,609
Bankapur	3,990
Hangal	4,634
Karajgi	3,296
Gadag	} Nil.
Navalgund	
Ron	
Total ..	22,110

**TALUKAS AND VILLAGES WITH A MAJORITY OF KANARESE-SPEAKING
POPULATION.**

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to place on the Council table a list showing the talukas and villages in the Belgaum, Satara and Sholapur districts which have got a majority of Kanarese-speaking population?

* This question was asked at the meeting held in February-March 1925 when an *ad interim* reply was given.

The Honourable Mr. COWASJI JEHANGIR: The information asked for is not furnished as in the opinion of Government the time and labour involved in the collection of accurate information will be incommensurate with the benefit to be derived therefrom.

POSTS OF PERSONAL ASSISTANT TO THE COMMISSIONER OF EXCISE AND OF THE DEPUTY COMMISSIONER OF EXCISE.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) what is the pay of the present incumbent of the post of Personal Assistant to the Commissioner of Excise, Bombay, and what is the pay of the Deputy Commissioner of Excise, Bombay?

(b) when is the present incumbent of the post of Personal Assistant to the Commissioner of Excise due to retire?

(c) whether the Government contemplate the abolition of the post of the Deputy Commissioner of Excise, Bombay?

(d) if so, when?

(e) if so, whether it is a fact that the Government intend to retain or continue the services of the present incumbent of the post of the Deputy Commissioner on his present salary of about Rs. 2,000 per mensem, as a Personal Assistant to the Commissioner of Excise?

The Honourable Mr. A. M. K. DEHLAVI: (a) The Deputy Commissioner of Excise, Bombay, who is now working as Personal Assistant to the Commissioner of Excise, receives a pay of Rs. 1,500 (in the grade of Rs. 1,250-50-1,500) plus a personal pay of Rs. 162½ per mensem. The post of Personal Assistant previously existing in the cadre of Superintendents of Excise has been abolished with effect from 1st April 1925.

(b) 11th November 1928.

(c) No.

(d) and (e) Do not arise.

PROCEEDS OF THE ENTERTAINMENT TAX.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) the proceeds of the entertainment tax for the period commencing from 1st January 1924 and ending with December 31st, 1924;

(b) whether these proceeds have been set apart or have they been merged in the general revenues of the presidency?

The Honourable Mr. H. S. LAWRENCE: (a) The proceeds of the entertainment tax for the period commencing from 1st January 1924 and ending with 31st December 1924 amount to Rs. 9,24,369.

(b) The proceeds have been merged in the general revenues of the presidency.

EXPENDITURE ON SUKKUR BARRAGE SCHEME.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state the amount spent on the Sukkur Barrage scheme upto 1st January 1925?

The Honourable Mr. COWASJI JEHangIR: The total expenditure on the Lloyd Barrage and Canals Construction scheme upto 1st January 1925 is Rs. 1,10,50,687.

BOMBAY COTTON CESS.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) what was the total amount of tax collected by way of cess on cotton bales imported into the city of Bombay during the year ending 31st December 1924;

(b) for what purpose was the said amount utilised ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information is being obtained.

TUNGABHADRA RIVER SCHEME.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) Whether they have taken any action as regards the Tungabhadra River Scheme of the Madras Government ?

(b) If so, what action have they taken ?

(c) If not, do they intend to take any action in that connection ?

The Honourable Mr. COWASJI JEHangIR: (a) Yes.

(b) In August 1924 an enquiry was made from the Government of Madras whether there was any project for a dam on the Tungabhadra river under contemplation by that Government, and if such was the case, that Government was requested to furnish details of the scheme. The Government of Madras forwarded a copy of the project Volume, 1909 and stated that the scheme was under re-examination with a view to the preparation of a modified project. That Government was addressed again in April 1925 regarding the submergence of lands in the Dharwar District by the proposed reservoir on the Tungabhadra and an assurance was sought from the Government of Madras that it did not contemplate establishing any form of control over the catchment area of that river lying outside the Madras Presidency. The Madras Government have recently replied saying the preparation of a modified project is now under consideration, and that, if the scheme as finally decided upon affects the Bombay presidency, this Government would be consulted before being taken up.

(c) Does not arise.

PROPOSED HUBLI SIRSI RAILWAY.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether it is a fact that a railway line was proposed to be constructed between Sirsi and Hubli ?

(b) If so, whether any survey was made for that purpose ?

(c) If so, how far has the whole scheme progressed ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) Yes.

(c) As the project report and estimate showed that the return would be 3 per cent. on the capital outlay, it was decided to postpone the further consideration of the project. According to the revised estimate this return is further reduced to less than 1 per cent. In view of the Railway Board's recent Resolution No. 2131-F, dated 19th February 1925 (copy* placed on the Council table) regarding the financing of branch lines of railways it does not appear likely that the line will be taken in hand until its prospects improve.

AUCTION SALE PROCEEDS OF HUBLI TODDY SHOPS.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state what was the price for which the two toddy shops at Hubli were sold in 1923-24 and what was the price realised for the same in 1924-25?

The Honourable Mr. A. M. K. DEHLAVI: The following vend fees were realised for the shops in question:—

For the year 1923-24.—

Rs. 60,100 and Rs. 50,100.

For the year 1924-25.—

Rs. 36,100 and Rs. 37,000.

THE MADAG TANK IN THE DHARWAR DISTRICT.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

- (a) who constructed the "Madag" Tank in the Dharwar District and when;
- (b) and at what cost;
- (c) what is the storage capacity of the tank at present;
- (d) how many acres does it irrigate at present;
- (e) what is the annual income to Government therefrom?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

BREACH IN THE EMBANKMENT OF THE MADAG TANK.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

- (a) whether the 'Madag' tank in the Dharwar district had its embankment or dam breached some time ago;
- (b) have any attempts been made to repair the breach;
- (c) if not, why not;
- (d) what was the storage capacity of the said tank before the breach in the dam or embankment occurred;
- (e) was this work surveyed; if so, when;
- (f) (i) what was the result of the survey;
- (ii) how many acres can be commanded in case the breach is repaired?

* Vide Appendix No. 32.

The Honourable Mr. COWASJI JEHangIR: The information has been called for.

THE DADDI CANAL SCHEME.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state when they contemplate the undertaking or execution of the scheme known as the " Daddi Canal Scheme " or " Ghataprabha Scheme " ?

The Honourable Mr. COWASJI JEHangIR: The plans and estimates of the Ghataprabha project are ready and under scrutiny of the Superintending Engineer, Deccan Irrigation Circle. The financial prospects of the scheme based as they are on the attitude of the people concerned towards sugarcane cultivation, are under consideration of the local revenue and agricultural authorities. Government will issue orders as soon as the project is received and considered by them.

SALE OF WOOD BY MESSRS. HOWARD BROTHERS.

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

(a) the rate at which one ton of teak, matti and rose-wood was respectively sold by Messrs. Howard Brothers in each of the last three years ;

(b) the rate at which the same quantity of timber of that description was sold at Dandeli depôt in Kanara in those years ;

(c) the description and quantity of timber now remaining with the said firm ;

(d) the sum received from them by Government in each of those years ;

(e) the amount, if any, lying with the said firm ?

The Honourable Mr. A. M. K. DEHLAVI: (a) Net amount realised per ton excluding all kinds of expenditure :—

Year.	Rate per ton.					
	Teak.		Matti.		Rose-wood.	
	£	s. d.	£	s. d.	£	s. d.
1921-22	21 17 1	31 16 4	13 10 6	
1922-23	8 6 2	6 15 0	28 16 10	
1923-24	11 3 2	11 15 10	14 14 0	

(b) Rate per ton for the same kinds of timber sold at Dandeli :—

Year.	Teak.		Matti.		Rose-wood.	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
1921-22	173 3 3	44 1 6	84 14 10	
1922-23	84 13 9	....	60 0 0	
1923-24	No sale.	No sale.	31 5 10	

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(c) Approximate quantity remaining with the firm at the end of the year 1923-24 :—

Teak.		Matti.		Rose-wood.	
Tons.	C. ft.	Tons.	C. ft.	Tons.	C. ft.
389	13.9	129	5.18	2	22.76

(d) Government did not receive any amount from Messrs. Howard Brothers during the last three years as the sum due to the latter on account of freight and prime and sawing charges exceeded the realizations of sales effected by them during the past three years.

(e) No amount is outstanding against the firm but Government have still to pay them an amount of £494-10-4.

GOVERNMENT TANK USED FOR CULTIVATION.

* Mr. M. D. KARKI (Kanara District): (a) Will Government be pleased to state whether it is a fact that Government survey No. 36 of Manajwalli in Sirsi taluka was once a public tank for irrigating the whole area of the garden land in that village, but that on its silting up in course of time it was given out by them to a private individual for cultivation ?

(b) Did Government ever repair the tank since the original settlement ?

(c) Was the facility for irrigation provided by this tank considered at the time of assessing the garden land at the time of the original settlement ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The tank silted up and ceased to irrigate any area long before 1920. The area in which the tank was situated was lying waste and contained wild plants and shrubs. As this condition of the tank interfered with the proper cultivation of the surrounding land, the owner of adjoining land is allowed to cultivate it temporarily.

(b) No repairs have been carried out since 1904. Information prior to that date is not available.

(c) Yes.

Mr. M. D. KARKI: With reference to reply to (c); will Government be pleased to state whether they intend to reduce the rates of assessment when the use of the tank can no longer be had by the gardeners.

The Honourable Mr. LALUBHAI SAMALDAS: If applications are received, Government will consider them.

RELINQUISHED HOLDINGS AND THEIR DISPOSAL.

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

(a) the survey numbers, area and assessment of holdings relinquished by Kabjedars in each of the last five years in the Kanara District and the names of villages where they are situated ?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

(b) the survey numbers, area and assessment of holdings disposed of by sale or otherwise to private individuals in each of those years out of such relinquished holdings ?

(c) the survey numbers, area and assessment of holdings afforested, if any, out of such holdings together with the names of villages where they are situated and the reasons which led to such action being taken ?

(d) the survey numbers, area and assessment of holdings remaining now as Government waste land out of such holdings, together with the names of villages where they are situated ?

The Honourable Mr. LALUBHAI SAMALDAS : Talukwar statements† containing the information required are placed on the Council Table.

FORFEITED HOLDINGS AND THEIR DISPOSAL.

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

(a) the survey numbers, area and assessment of holdings of "Kahjedars" forfeited for non-payment of assessment in each of the last five years in Kanara and the names of villages where they are situated ;

(b) the survey numbers, area and assessment of holdings disposed of by sale or otherwise to private individuals in each of those years out of such holdings ;

(c) the survey numbers, area and assessment of holdings afforested, if any, out of such holdings together with the names of villages where they are situated and the reasons for such action being taken ;

(d) the survey numbers, area and assessment of holdings remaining now as Government waste lands out of such holdings together with the names of villages where they are situated ?

The Honourable Mr. LALUBHAI SAMALDAS : Talukwar statement† containing the information required are placed on the Council Table.

GRAZING FEES IN THE PRESIDENCY.

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

(a) the present and the past rates of grazing fees levied under the system known as "Kanara system" with regard to village and non-village cattle ;

(b) the names of the districts or localities where the "Kanara system" of grazing fees prevailed and now prevails ;

(c) the present and the past rates of grazing fees with regard to village and non-village cattle levied under other system or systems together with the name or name of the systems ;

(d) the names of the district or localities where such system or systems prevail ?

* This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

† Kept in the Secretary's office.

‡ This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Mr. A. M. K. DEHLAVI: A statement† furnishing the required information is placed on the Council Table.

SITE OF SHRI-BHARATHI SCHOOL BUILDING AT KARKI.

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

(a) whether it is a fact that the members of the committee of Shri-Bharathi English school at Karki (Kanara) applied for the free grant of a site for the school building out of survey No. 1036 of the village of Karki on or about the 21st April 1920?

(b) If so, will they be pleased to state the terms or conditions proposed by the Collector for being inserted in the grant?

(c) Whether the conditions or terms were accepted by the said committee?

(d) If not, what was the final order of the Collector in that behalf?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) One of the main conditions was that the committee should conduct the school in accordance with the regulations of the Educational Department.

(c) The above condition was not accepted by the members of the committee.

(d) The grant of the site revenue-free was refused.

Mr. M. D. KARKI: With reference to reply to (b) the reply is imperfect; I wanted the terms or conditions in full.

The Honourable Mr. LALUBHAI SAMALDAS: I will supply them.

COST OF MANUFACTURING SALT AND ITS MALKI PRICE PER MAUND.

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

(a) the cost of manufacturing salt per maund in the various salt-works in the presidency during the last five years;

(b) the malki price charged per maund in such salt-works?

The Honourable Mr. LALUBHAI SAMALDAS: Apart from Government salt-works where the cost price is generally the same as the selling price, there are 417 private salt-works in this presidency mostly concentrated round Bombay. Owing to the diversity of conditions of manufacture, of methods of production, situation, soil, brine supply and grading of the finished product it is impossible for Government to ascertain the cost of manufacture which is not disclosed by the shilotri without making inquisitorial inquiries. The cost is roughly estimated by Government to vary from 1 anna to 7 annas a maund.

As for selling prices, these are controlled by number of factors, e.g., the existence of large or short stocks, the nature of the season and anticipations of variation in the duty. The market is perfectly free and

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix No. 33.

whole-sale merchants do not disclose the price they have paid to the manufacturers. The malki price is estimated by Government to vary from 1 anna to 11½ annas.

A statement† giving the latest estimates of cost of production and sale for different salt talukas is appended.

SUPERINTENDENT OF SALT REVENUE, GOA FRONTIER AND KANARA.

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

(a) the number of cases of smuggling of articles liable to duty from Goa into Kanara and elsewhere that were detected by the Superintendent of Salt Revenue, Goa Frontier and Kanara, during the year 1923-24;

(b) the names and places of the smugglers and the places into which those articles were imported;

(c) the methods employed by each of them in effecting the smuggling;

(d) the commodities that were smuggled by each of them;

(e) the penalty inflicted on and realised from each of them?

The Honourable Mr. LALUBHAI SAMALDAS: (a) to (e) A statement‡ giving the required information is placed on the Council Table.

MANGANESE DEPOSITS IN THE PRESIDENCY.

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

(a) the place or places where there are manganese deposits in Kanara particularly and in the rest of the province generally;

(b) the number of prospecting licenses issued in that behalf up till now;

(c) the names of persons to whom and of places in respect of which such licenses were issued;

(d) the percentage of manganese available in each case?

The Honourable Mr. LALUBHAI SAMALDAS: (a), (b), (c) and (d) A statement§ giving the requisite information for the last ten years is appended.

MANGANESE MINING LEASES.

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

(a) whether any mining leases for manganese either in Kanara or elsewhere in the presidency were applied for up till now by any persons and when did they apply?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state (i) the names of persons who applied; (ii) to whom

* This question was asked at the meeting held in February-March 1925; when an *ad interim* reply was given.

† Kept in the Secretary's office.

‡ *Vide* Appendix No. 34.

§ *Vide* Appendix No. 35.

such leases were granted ; (iii) to whom they were refused, and the time when they applied and when the leases were granted ?

(c) If the cases of any of them are still under consideration, will they be pleased to state the names of such persons and what orders they propose to pass in the matter ?

The Honourable Mr. LALUBHAI SAMALDAS: (a), (b) and (c) A statement* giving the requisite information for the last ten years is placed on the Council table.

NEW ROAD BETWEEN TOLSAN AND KODIGADDE.

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

(a) Whether it is a fact that the landholders of taluka Honavar and the members of the Salkad Co-operative Credit Society have submitted a memorial (in the month of January last) to His Excellency that a new road communication to the extent of seven miles be opened between Tolsan in Honavar taluka and Kodigadde in Siddapur taluka to connect the 12 miles road from Honavar to Tolsan with the 23 miles road from Siddapur to Kodigadde ?

(b) If so, whether any enquiry has been instituted on the memorial ?

(c) If so, what has been the result of the inquiry ?

(d) If the inquiry has been in favour of the memorialists, whether there is any likelihood of the road being constructed next year ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) Yes, a memorial was received in the month of February last.

(b) Yes.

(c) and (d) The matter is under the consideration of Government.

DURATION OF THE SECOND SETTLEMENT.

Mr. M. D. KARKI (Kanara District): (a) Will Government be pleased to state whether there is any uniformity as regards the period during which the second settlement should be current in the district of Kanara ?

(b) If so, what is the period so fixed ?

(c) If there is no uniformity, will Government be pleased to give the reasons for fixing different periods for each taluka and petha or for individual villages or groups of villages therein ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) The honourable member's attention is invited to section 102 of the Land Revenue Code.

(c) Does not arise.

CATTLE-BREEDING COMMITTEE.

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

(a) whether the Cattle-breeding Committee visited Kanara to study the conditions of cattle there ;

(b) if not, whether they have examined any official or non-official witness with regard to cattle-breeding in that district ;

(c) whether it was brought to the notice of the committee that there are professional breeders of cattle in the talukas of Haliyal and Yellapur and petha of Mundgod ?

The Honourable Mr. A. M. K. DEHLAVI : (a) and (b) No. But the committee considered the conditions in the *Mallad* tract a little further to the north and made recommendations with regard to the development of a breed more suitable for this tract.

(c) No. But the position with regard to these breeders was investigated by the Live Stock Expert to Government in the year 1922. The Live Stock Expert was of opinion that the conditions under which stock was raised by the breeders were in general satisfactory and that the breeders, who were nomadic in their habits, were averse from accepting any assistance from the Agricultural Department.

Mr. M. D. KARKI : Will Government be pleased to place on the Council table the statement of that expert ?

The Honourable Mr. A. M. K. DEHLAVI : I do not suppose there will be any difficulty in doing so if the honourable member will give me notice.

RESIDENTIAL ACCOMMODATION FOR GOVERNMENT SERVANTS IN BOMBAY.

* Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state whether it is a fact that there are many vacant plots of Government land in Bombay ? Do they intend to build on these plots to provide residential accommodation for Government servants ? If not, are they prepared to lease those plots at moderate rent to private landlords with a view to provide buildings at reasonable rents ?

The Honourable Mr. LALUBHAI SAMALDAS : No, there are not many.

Building for Government servants will depend on circumstances. Does not arise.

Mr. HOOSEINBHOY A. LALLJEE : How many plots are available for sale ?

The Honourable Mr. LALUBHAI SAMALDAS : I require notice.

Mr. HOOSEINBHOY A. LALLJEE : What are the circumstances on which building for Government servants depends ?

The Honourable Mr. LALUBHAI SAMALDAS : Necessity.

Mr. HOOSEINBHOY A. LALLJEE : What necessity ?

The Honourable Mr. LALUBHAI SAMALDAS : Necessity for having buildings for Government servants.

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

MILCH CATTLE STABLES AT MURZBANABAD.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state—

(a) whether they are aware that three large milch-cattle stables are being erected in Andheri to the west of Murzbanabad ?

(b) is it a fact that the site of these milch-cattle stables abuts on a grave yard of Sunni Mahomedans ?

(c) is it a fact that the Mahomedans have submitted a petition to His Excellency the Governor in Council complaining against the nuisance ?

(d) if so, what action do Government intend to take thereon ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a), (b) and (c) Yes.

(d) As it has already been decided not to permit any more such stables in the said area and especially as a compromise has been arrived at between the persons concerned Government do not intend to take any action in the matter.

MOTOR TRAFFIC IN AHMEDABAD.

* Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : (a) Will Government be pleased to state the number of motor vehicles, motor taxis, motor buses and motor lorries in the city of Ahmedabad ?

(b) Are Government aware that almost all the motor taxis and motor buses run on only one main road, viz., from railway station to Bhadar, *via* Panchkuva and Three Gates ?

(c) Will Government be pleased to state how many accidents were caused by motor taxis, lorries and buses during the year from 1st January 1924 to 31st August 1924 ?

(d) How many of the defaulters were brought to book before the magistrates ?

(e) How many of the defaulters who were tried before the magistrates were (i) convicted (ii) the nature of sentence passed, and (iii) how many were acquitted ?

The Honourable Sir MAURICE HAYWARD : (a) The approximate number of motor vehicles of all descriptions (except motor cycles) in Ahmedabad is 450.

The number of motor vehicles licensed as public motor conveyances during 1924 was, taxis or touring cars 18, buses 113 (25 to seat up to 10 and 88 to seat up to 16 persons) and goods lorries 3.

(b) The public motor conveyances chiefly use the main road from the railway station to the Bhadar, but they also run on other main roads in the city.

(c) The number of accidents caused by public motor conveyances during the year from 1st January to 31st August 1924 was 44. The figure for the whole year was 70.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(d) The number of defaulters brought to book before the magistrates was 16 up to 31st August and 35 for the whole year.

(e) During the period from 1st January 1924 to 31st August 1924, 12 were convicted and sentenced to pay fines. 2 were convicted and sentenced to imprisonment the remaining 2 cases were compounded with permission of the trying magistrates. During the whole year 1924, 29 were convicted and sentenced to fines, 3 were sentenced to imprisonment and 3 cases were compounded.

MOTOR TRAFFIC IN AHMEDABAD.

* Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities):

(a) Will Government be pleased to state what arrangements have been made by the police to enforce the regular stopping of the motor buses for passengers at the stoppage stations at Ahmedabad.

(b) Are Government aware that rules about stoppage at the stations fixed are not observed?

(c) If the reply to (b) be in the affirmative, will Government be pleased to state how many of these defaulters have been brought to book before the magistrates and with what result?

(d) Has the attention of Government been drawn to the fact that some of the motor buses ran a race on the said main road from railway station to Bhadar when the police constable was not on duty?

The Honourable Sir MAURICE HAYWARD: (a) The District Superintendent of Police has issued instructions that all drivers caught not observing the rule should be produced before him. Such drivers have been and are so produced and the District Superintendent of Police either orders their prosecution or deals with them himself under the powers conferred on him by the rules.

(b) The chief difficulty in the beginning in enforcing the rule was owing to the passengers themselves who are mostly illiterate persons, not understanding it and the drivers stopping anywhere to pick up or to set down passengers when requested. The rule is now generally observed owing to the steps taken to enforce its observance:—

(c) The number of defaulters brought to book during 1924 for non-observance of the rule is as below:—

21 were prosecuted before magistrates with the following results:—

6 were fined Re. 1 each.

1 was fined Rs. 2

3 were fined „ 3 each.

7 „ „ 5 each.

2 „ „ 10 each.

2 „ „ 20 each.

The District Superintendent of Police gave 23 warnings, and suspended 14 permits for periods varying from three days to one month. The District Superintendent of Police has found the latter a better method and is employing it more drastically.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(d) Nothing is known regarding the alleged running of a race by some of the motor buses along the main road from the railway to Bhadar. Along the main road in question there are eight points where constables are on duty *throughout the day and night*, and in the mornings and evenings when traffic is heavy, more than double that number, so that there is ample check to prevent motor buses racing each other.

AUCTION SALE OF GOVERNMENT TREES IN SOUTH DASKROI TALUKA.

* Khan Sahab A. M. MANSURI (Ahmedabad and Surat Cities): (a) Will Government be pleased to state whether they are aware that trees in the village of Kuva in the South Daskroi Taluka of Ahmedabad were auctioned for Rs. 6,500 by the Prant Officer and that the period fixed for cutting the trees was short and no instalments were allowed?

(b) Whether they are aware that the said trees were tendered to be purchased for Rs. 10,000 by one of the purchasers, provided the period for cutting and removal of the trees was allowed to be two years and the price to be paid by four instalments?

(c) Whether it is true that the trees in the village of Pasunj in the South Daskroi Taluka of Ahmedabad were sold for Rs. 4,200 by the Prant Officer while the offer of another contractor was for Rs. 6,000, if the payment was by instalments and the period allowed for cutting and removal of the trees was three years?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The trees were auctioned for Rs. 7,500. The period allowed for cutting was from 28th August 1924 to 31st March 1925. No payment by instalment was allowed.

(b) No such offer was received.

(c) The offer of Rs. 6,000 was received after the auction was over.

SHAH GAZNI'S ROZA AND KABRASTHAN.

Khan Sahab A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether they are aware that, though a notification about the acquisition of Shah Gazni's Roza and Kabrasthan has been published and the necessary funds have already been provided, possession has not yet been handed over to the Mahomedan community? Will they state the reasons for the delay?

The Honourable Mr. LALUBHAI SAMALDAS: Yes. The acquisition has been delayed owing to legal difficulties.

NUMBERING OF TREES.

Khan Sahab A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether it is true that the numbers on trees are marked by the labourers in the absence of talati; and

(b) whether it sometimes happens that these labourers put numbers on trees that are not situated in the survey numbers of which trees are to be sold?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Mr. LALUBHAI SAMALDAS: (a) Numbering of trees is generally done by contract and the talati, Mukhi and the Circle Inspector supervise the work.

(b) When a large number of babul trees is to be numbered, there is a possibility of errors being committed by contractors.

COUNTRY LIQUOR SHOPS AT MADHAVPURA, AHMEDABAD.

* Mr. G. K. MAVALANKAR (Ahmedabad City): Was there a complaint by Mr. Abdul Latif and others regarding short sale at Madhavpura country liquor shop lodged before the Collector of Ahmedabad in December 1923? If so, what was the result of the enquiry?

The Honourable Mr. A. M. K. DEHLAVI: Yes. Enquiry showed that the petition was unfounded. It was got up by one Barjorji Jamsedji who is a blacklisted person in league with Abdul Latif, and the signatories who were unaware of its contents were made to sign it.

EDUCATIONAL GRANTS TO AIDED SCHOOLS IN AHMEDABAD.

* Mr. G. K. MAVALANKAR (Ahmedabad City): Will Government be pleased to furnish a statement giving the following information for each of the aided schools of Ahmedabad city for 1922-23;

(a) the amount of expenditure by the school authorities;

(b) the amount of grant which could have been made by the educational authorities;

(c) the amount of grant actually paid?

The Honourable Mr. B. V. JADHAV: The accompanying statement† giving the information required is laid on the Council table. It should be noted that the grant given to a school in any year is based on its admitted expenditure for the previous year and that owing to the cut in the Budget of 1922-23 enforced on Government by the Legislative Council the maximum rate of grant to secondary schools was reduced generally in that year from one-third to one-fourth of the admitted expenditure.

BEHRAMPUR COUNTRY LIQUOR SHOP, AHMEDABAD.

* Mr. G. K. MAVALANKAR (Ahmedabad City): Will Government be pleased to state—

(a) Whether it is a fact that the Behrampur country liquor shop in Ahmedabad was opened on 1st April 1922 and that in about a week's time or thereabouts it was closed? If so, what were the reasons?

(b) Whether the license fee for the said shop was recovered in full for the whole period?

(c) Whether the license fee was refunded to the licensee when the shop was closed?

* This question was asked at the meeting held in February-March 1926, when an *ad interim* reply was given.

† Kept in the Secretary's Office.

(d) When the shop was closed, was any proportionate increase in license fees recovered from the adjoining shops? If so, from which shops?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes. The shop was closed as it was on the main road and in the neighbourhood of a large mill. No other site free from objection was then available.

(b) Yes.

(c) Yes.

(d) Yes. When the shop was closed its ration was distributed between the Raipur and Market shops and proportionate fees were recovered from the licensees of those shops.

Mr. G. K. MAVALANKAR: Did the objection come from licensee himself or from people in writing? (No reply).

DREDGING OF THE RIVER TAPTI.

Dr. M. M. MEHTA (Surat City): Will Government be pleased to state—

(a) whether they contemplate taking in hand the dredging of the river Tapti with a view to giving facilities for navigation and trade at an early date;

(b) what were the reasons for not taking up this work so long?

The Honourable Mr. COWASJI JEHangIR: Information has been called for.

FIRST YEAR TRAINED TEACHERS.

Dr. M. M. MEHTA (Surat City): Will Government be pleased to state—

(a) whether it is a fact that the teachers who accept service as first year trained men have to continue as first year trained men and are not allowed to qualify for the second year certificate even at their own cost?

(b) whether it is a fact that about 50 per cent. of them are by rule to remain untrained till their retirement on Rs. 30 per mensem or less about 30 per cent. remain on Rs. 40 per month or less; about 15 per cent. reach the higher maximum of Rs. 50 per month and that the Rs. 60 grade is reserved for only a very few?

(c) if so, what are the reasons therefor?

The Honourable Mr. B. V. JADHAV: (a) Yes.

(b) By the rules under the Primary Education Act, not less than 50 per cent. of teachers shall be trained and not less than 15 per cent. and not more than 30 per cent. shall hold the II or III year certificates. The maximum pay of a 1 year Trained Teacher in the time scale is Rs. 40. All existing III year teachers, who comprise 18 per cent. of the total number of teachers, are eligible for a maximum pay of Rs. 60 in the time scale.

(c) The reasons for the limitation of the number of trained teachers are given in press note No. 1994, dated the 11th October 1923. The number has been fixed at what is considered to be necessary for the efficient maintenance of the schools.

SURVEY SETTLEMENT IN ALIENATED VILLAGES.

* Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) Whether there are any rules regarding the introduction of the survey settlement in the alienated villages (of all classes) prior to the operations of Act I of 1865?

(b) What steps were to be taken under those rules both by the Government and the Inamdars for the introduction of survey settlement in such villages?

(c) Were all those steps taken in the case of the inam village of Kaliol, taluka Chikodi, district Belgaum?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) Under the rules then in force, the survey operations could not be introduced in alienated villages held on hereditary tenure, except at the request of the alienee and on his expressing the intention to adopt the rates fixed by the Survey Department and sanctioned by Government.

(c) No.

JADID SHET-SANADIS.

* Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether the Inamdars of Mankapur, taluka Chikodi, district Belgaum, were prevented from taking services from their Jadid shet-sanadis, and whether Government recover Gair-Hajiri Akar from them?

The Honourable Mr. LALUBHAI SAMALDAS: As stated in the reply to the honourable member's question printed at page 734 of the Council Debates, Vol. XIII, Part X, the inamdars were informed that if they did not require the services of the shet-sanadis left under the control of the village officers for their own work, the number would be reduced to three, on condition that they solely worked under the village officers. It is now reported that out of four, one sanadi is exclusively at the disposal of the inamdars. Hence the inamdars cannot demand service from the other three sanadis. Gair-Hajiri Akar or absentee allowance of Rs. 2-14-6 has been recovered in one case from a sanadi who had absented himself without permission.

RECORD OF RIGHTS IN BIJAPUR DISTRICT.

* Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether Record of Rights has been introduced in the inam villages of Balloli, Zalki, and Agarkhad in the Bijapur district; if so, whether the respective inamdars were consulted or previously informed of such introduction?

The Honourable Mr. LALUBHAI SAMALDAS: Yes. The inamdars of the respective villages were previously informed of the contemplated introduction of the Record of Rights.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

ANNEWARI IN INAM VILLAGES.

* Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) what is the general procedure adopted in fixing the *annevari* (crop valuation) in an inam village;

(b) whether the inamdar is informed beforehand when Government officers would inspect the crops;

(c) whether he is informed in writing of the *annevari* after it has been fixed?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The general procedure is the same as that followed in Government villages.

(b) The practice at present in this respect is not uniform. In some cases the inamdar is informed beforehand of the visit of Government officers to inspect the crops and in others not. Government have issued revised instructions in the matter.

(c) The *annevari*, after it is fixed, is generally published in the village. In some cases the inamdar is informed of it, while in others it is not communicated to him unless he asks for it. Government have issued revised instructions in the matter.

Sardar G. N. MUJUMDAR: Will Government be pleased to place on the Council table a copy of the revised instructions in the matter?

The Honourable Mr. LALUBHAI SAMALDAS: I require notice.

HOUSE BUILDING ADVANCES TO INDIAN OFFICERS.

† Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to give the names of the Indian Officers in the Indian Civil Service, the Indian Agricultural Service and the Indian Police Service, the Indian Ministers and Executive Councillors that applied for and were granted loans for building their houses since January 1921, the amount advanced and the rate of interest it bore, and also whether the loan has been repaid and if so, in how many instalments, and when was the last instalment paid?

The Honourable Mr. H. S. LAWRENCE: A statement‡ furnishing the information called for is placed on the Council table.

REFERENCES TO CIVIL COURTS BY COLLECTOR OF POONA.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): (a) Will Government be pleased to state whether the Collector of Poona consults the civil courts in the matter of confirmations of sales made by him in the execution of civil courts decrees transferred to him for sale?

(b) Is it a fact that in view of the amended provisions of Civil Procedure Code it is not now necessary to consult civil courts on such points?

* This question was asked at the meeting held in July 1924, when an *ad interim* reply was given.

† This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

‡ *Vide* Appendix No. 37.

The Honourable Sir MAURICE HAYWARD: (a) No.

(b) Yes.

DAMAGE BY TROOPS TO SUGARCANE AT MUNDHAWA.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state what steps they have taken, or propose to take in view of the repeated complaints by the inhabitants of Mundhawa about their sugarcane and other crops being frequently damaged by some troops stationed at Ghorpuri?

The Honourable Mr. LALUBHAI SAMALDAS: Only one complaint was received in January last regarding the theft of sugarcane. The matter was inquired into and one of the Regimental Saises was prosecuted after an investigation by the police and convicted.

WATER SUPPLY TO GANESHKHIND GANPATHI TEMPLE AREA.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) whether they are aware of the fact that the residents of the Ganeshkhind Ganpathi temple area, opposite the main entrance of the Government House, are put to great hardships on account of the want of drinking water, especially in summer;

(b) whether they have received any memorials in this connection from the residents there; if so, what was the result;

(c) whether the residents of Aundh and Pashan have been given $\frac{3}{4}$ " pipe connection to the Pashan main?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) Yes.

(b) Yes. The petitioner was informed that it is not possible for Government to arrange for a water supply to the locality in question unless the inhabitants are prepared to pay the initial expenditure of Rs. 2,000 on the water supply installation and Rs. 1,000 per annum required to meet pumping charges. An alternative water supply from the Tower Tank at Government House to the Ganeshkhind Temple was offered at an initial expenditure of Rs. 5,000 the water to be paid for according to meter measurements. No further reference has been received in the matter.

(c) There is a 2" branch from the Pashan Main as far as the Body Guard Lines and that this is continued to Aundh village as a 1½" pipe, from which five $\frac{3}{4}$ " connections are made to public stand posts and one $\frac{1}{2}$ " connection to Scindhia's Wada at Aundh.

VILLAGE PANCHAYATS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) the total number of village panchayats started in each division of the presidency since the Village Panchayat Act came into force; and also the total number of those in each division that were abolished during the period;

(b) whether they have enquired into the causes which led to the abolition of these panchayats;

- (c) whether any amendment of the Act is under contemplation ;
 (d) whether they are aware of the fact that in Madras panchayats are being invested with judicial powers ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) The following statement gives the requisite information:—

Division.	The total number of village panchayats up to 31st December 1924.	The number of village panchayats abolished up to 31st December 1924.
Northern Division ..	131	77
Southern Division ..	98	11
Central Division ..	263	71
Bombay Suburban Division.	1	1

(b), (c) and (d) The requisite information has already been furnished.

INCLUSION OF MR. MANU SUBEDAR IN THE TAXATION ENQUIRY COMMITTEE.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars):

(a) Will Government be pleased to state whether it is a fact that they objected to the inclusion of Mr. Manu Subedar of Bombay in the Taxation Committee appointed by the Government of India?

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

The Honourable Mr. H. S. LAWRENCE: (a) and (b) Government have no information to give on this matter.

PLANTATION WORK, PANCH MAHALS.

*Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether it is a fact that the Divisional Forest Officer, Panch Mahals, has given rewards to the Range Forest Officers who exacted more work of plantation from the villagers engaged in that work ?

(a) If it is a fact whether the Government have authorized such action ?

(b) If the answer to (a) is in the affirmative, will they put that correspondence on the Council table ?

(c) If such rewards were paid will they state from what source the amount was obtained ?

The Honourable Mr. A. M. K. DEHLAVI: No rewards have been paid to any Ranger for plantation work.

(a), (b) and (c) Does not arise.

SALE OF TREES TO MR. J. A. KAZI.

*Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state whether it is a fact that the Collector

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

of Panch Mahals has given to Mr. Jamaluddin A. Kazi all the trees standing on the land given to him of the Mehelol Talukadari at Kaliana for about 75 rupees ?

(b) If so, will Government be pleased to state whether it has come to their knowledge that Mr. Kazi got that jungle cut and obtained about 1,200 rupees for these trees ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The trees being of a very stunted growth were given for Rs. 75 according to Panch valuation.

(b) It is found on inquiry that Mr. Kazi might have realised Rs. 200 at the most as the price of the wood, out of which he had to pay the cost of getting the trees cut.

Mr. W. S. MUKADAM: Will Government be pleased to place on the Council table the papers of this enquiry ?

The Honourable Mr. LALUBHAI SAMALDAS: The papers will not be placed on the Council table but I am prepared to discuss the question with the honourable member if he sees me.

LIQUOR SHOPS AND SCHOOLS IN JHALOD MAHAL.

*Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state separately the number of liquor shops and schools in Jhalod mahal of Panch Mahals district stating in what village each is situated ?

The Honourable Mr. A. M. K. DEHLAVI: There are 9 country liquor shops in the Jhalod mahal, one at each of the following places :—

- | | |
|---------------|-----------------|
| (1) Jhalod, | (6) Bilwani, |
| (2) Limbdi, | (7) Karamba, |
| (3) Pethapur, | (8) Garadu, and |
| (4) Gultora, | (9) Mahudi. |
| (5) Kadwal, | |

As regards schools, the Honourable Member is referred to the reply given by Government to the question at the last session of the Council.

INDICES OF DOCUMENTS UNDER NEW CARD INDEX SYSTEM IN REGISTRATION OFFICES.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether it is a fact that the public are not allowed to inspect the indices of documents maintained in Registration offices under the New Card Index System and that they have to accept the result of the inspection made for them by the servants of the department ?

The Honourable Mr. A. M. K. DEHLAVI: The attention of the honourable member is invited to the reply to a similar question by Mr. D. B. Advani which is printed at page 164 of Volume XIII, Part II, Bombay Legislative Council Debates, 1924.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

INDICES OF DOCUMENTS UNDER NEW CARD INDEX SYSTEM IN
REGISTRATION OFFICES.

Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state whether it is a fact that they have taken away from the public the right of inspection of indices allowed them by law on payment of the prescribed fees ?

(b) Will Government be pleased to state the reasons for their doing so ?

(c) Will Government be pleased to place the orders issued by them on the subject on the Council table ?

The Honourable Mr. A. M. K. DEHLAVI: The honourable member is referred to the reply given to his previous question.

ALLEGED EXTORTION BY A REVENUE CIRCLE INSPECTOR IN JHALOD
MAHAL, PANCH MAHALS DISTRICT.

Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state whether it is a fact that ten affidavits were made on 26th August 1924 before the Mahalkari of Jhalod, Panch Mahals District, by the Bhils of the villages of (1) Phulpura, (2) Gamdi, (3) Chitrodia, (4) Jatava (hamlet of Varod) and (5) Melania for alleged extortion of money from them by the Circle Inspector Mr. Gopaldas of the Revenue Department and that these affidavits were forwarded on the 2nd September 1924 to the Collector and District Magistrate of Panch Mahals for inquiry and taking necessary action by the President of the Bhil Sewa Mandal of Dohad ?

(b) Has any inquiry been made by the Collector in the matter of the alleged extortion ?

(c) Whether it is a fact that the said Circle Inspector has recently been transferred on promotion ?

(d) Whether it is a fact that the said Mr. Gopaldas was allowed to serve in the same place, that is, at Jhalod, for months after the complaint was made ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) A detailed enquiry was made by the Assistant Collector under the orders of the Collector.

(c) He was transferred to Halol on promotion on 8th January 1925, as he was entitled to promotion in the ordinary course.

(d) He remained at Jhalod till 19th November 1924 when he was transferred to Dohad. The affidavits were sent to the Assistant Collector for enquiry on 1st October 1924.

PLANTATION WORK, PANCH MAHALS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to put on the Council table the receipts, if taken, for the payments made for plantation works in Panch Mahals during the last 3 years ?

The Honourable Mr. A. M. K. DEHLAVI: Receipts are taken but Government do not consider that any useful purpose would be served by placing them upon the Council Table.

PRESIDENT OF THE GODHRA MUNICIPALITY.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) How often during the last six months the general board of Godhra city municipality has passed a vote of no confidence in the president of the municipality?

(b) whether they are aware that the majority of the members of the Godhra municipality have decided not to work under the president against whom they have passed vote of no confidence several times?

(c) if Government are not aware, will they be pleased to make inquiries in the matter?

(d) if they are aware will they be pleased to state what action they have taken in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) Six times.

(b) Government have been so informed.

(c) Does not arise.

(d) After a careful consideration of the whole situation Government decided that the municipality and the president should be allowed one last opportunity of getting through the remaining business of their term of office and save them the discredit of an enforced suspension on the eve of the elections.

FINES FOR ILLEGAL GRAZING IN PANCH MAHALS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state in the following tabular form the sum of the fine imposed upon and recovered from the people of Panch Mahals by the Divisional Forest Officer for illegal grazing in closed forest during the last three years?

- (1) Name of the man fined.
- (2) Village.
- (3) Taluka.
- (4) Profession of the man fined.
- (5) Number of cattle found grazing.
- (6) Sum of fine imposed.
- (7) Date of punishment.
- (8) Date of fine exacted.
- (9) Distance of the closed forest from the village.

The Honourable Mr. A. M. K. DEHLAVI: The information regarding cases of unauthorised grazing is given in Form No. 57 appended to the Annual Administration Report of the Forest Department to which the attention of the honourable member is invited. The collection of the information asked for by him would require an undue amount of time and labour. Government therefore regret they cannot undertake it.

WINDOW GLASS PANES ORDERED BY A RANGE FOREST OFFICER,
GALKUND RANGE.

Mr. W. S. MUKADAM (Panch Mahals District): (a) Is it a fact that panes of glass $\frac{1}{2}$ inch thick were ordered out from a firm of Bandra or Bombay by a Range Forest Officer of the Forest Department in Galkund Range of Dang of Surat District for fixing them in windows?

(b) If it is a fact will Government state the measurement and number of the panes of glasses ordered out and what price was paid to the Company and what demurrage was paid to the Railway Company for delay in taking over the delivery?

(c) Is it a fact that interest was charged by the Company to Government for late payment and it was paid by the Forest Department?

(d) If it is a fact will Government state the names and designations of the officers who sanctioned and made the payment?

(e) Will Government be pleased to state whether they have made inquiries regarding the purchase of $\frac{1}{2}$ inch thick glasses and found out the man or men at fault?

(f) If they have made inquiries and found out the man or men, will they be pleased to give out his or their name or names and what punishment they have inflicted upon him or them for wasting public money unnecessarily?

(g) Will Government be pleased to state whether these panes of glass have been used for windows or elsewhere?

(h) If not used, why not?

The Honourable Mr. A. M. K. DEHLAVI (a) Yes.

(b) (1)	No.	Length.	Breadth.	Thickness
	9	3' 9"	1' 3"	$\frac{1}{2}$ "
	4	2' 0"	1' 6"	$\frac{1}{2}$ "
	2	2' 6"	1' 3"	$\frac{1}{2}$ "
	2	2' 0"	2' 0"	$\frac{1}{2}$ "

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(2) Rs. 638-14-0.

(3) Rs. 14-14-0 includes freight, demurrage and indemnity bond.

(c) Yes.

(d) The payment was ordered by Mr. G. E. Marjoribanks, Conservator of Forests, N. C., as advised by the District Government Pleader, Nasik, and the amount was paid by Mr. R. W. Inder, D. F. O., Surat.

(e) Yes.

(f) Mr. M. G. Desai, Range Forest Officer, Galkund; and Mr. N. J. Gandhi, clerk. Both have been punished by postponement of their next increment for three months.

(g) and (h) The glass panes are of no use for windows. They are being disposed of as best as can be in consultation with the Superintending Engineer, Forest Department.

EXPENDITURE ON THE CHIEF CONSERVATOR OF FORESTS AND HIS ESTABLISHMENT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the annual expenditure for the last four years on the Chief Conservator of Forests and his establishment, stating separately his pay, allowance, travelling expenses, establishment expenses, contingency, expenses, etc. ?

The Honourable Mr. A. M. K. DEHLAVI: A statement* furnishing the required information is placed on the Council table.

INCREASE IN FOREST REVENUE BY APPOINTMENT OF CHIEF CONSERVATOR OF FORESTS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state what increase in forest revenue has resulted from the appointment of the Chief Conservator of Forests ?

The Honourable Mr. A. M. K. DEHLAVI: It is not possible to say how much of the increased revenue is due to the creation of the post of Chief Conservator.

COLLECTION OF REMITTED LAND ASSESSMENT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether half the land assessment which was remitted owing to famine in 1918 in the village of Konth of the Sanand talukadar of Kaira district has been collected by the revenue collecting authorities of Sanand ?

The Honourable Mr. LALUBHAI SAMALDAS: Yes. The Thakor Saheb has made the collection in some cases.

AUCTION SYSTEM FOR SALE OF DODIES.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state—

(a) when the auction system for the sale of dodies (mhowra seeds) in the West Khandesh district was introduced ;

(b) if it has been recently introduced, the reasons why it was not introduced earlier ;

(c) the amount realised each year from each range by the introduction of the auction system for dodies in the West Khandesh district ?

The Honourable Mr. A. M. K. DEHLAVI: (a) The system of auction for the sale of dodies was introduced in the North Khandesh Forest Division in the year 1922-23 and in the West Khandesh Division in 1924-25.

(b) On account of the reduction of establishment owing to retrenchment it was found impracticable to continue departmental collection of mhowra

seed without detriment to more important work such as regeneration, plantation, etc., to be done at the same time. Therefore the system of auctioning the right of collection of dodies was introduced.

(c) The following are the amounts realised at the auction sales :—

Year.	North Khandesh Division.			West Khandesh Division.
			Ra. a.	
1922-23 ..	Taloda Range		4,961 0	
	Akrani Range		550 4	
1923-24 ..	Could not be auctioned owing to a very poor crop and departmental collection yielded Ra. 803.			
1924-25 ..	Taloda Range		4,200 0	Navapur and Nandurbar Ranges, Ra. 1,537. Sakri and Pimpalner Ranges, Ra. 551.
	Akrani Range		225 0	

AGREEMENT BETWEEN GOVERNMENT AND THE GRASS CONTRACTOR,
NAVAPUR.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to place on the Council table the agreement between Government and the grass contractor, Navapur, West Khandesh ?

The Honourable Mr. LALUBHAI SAMALDAS: A copy of the agreement* is placed on the Council table.

FORCED LABOUR FOR THE NAVAPUR GRASS CONTRACTOR.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether it is a fact that Government secures forced labour for the grass contractor, Navapur (West Khandesh) ?

The Honourable Mr. LALUBHAI SAMALDAS: No.

TENDERS FOR NAVAPUR AND NANDURBAR RANGE COUPES.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state—

(a) whether it is a fact that the Divisional Forest Officer, West Khandesh, twice invited tenders for coupes of Navapur and Nandurbar ranges the year before last ?

(b) If so, will they be pleased to state the reasons for his doing so ?

(c) Will Government be pleased to supply with the two forms of proclamations issued to invite tenders for the Navapur and Nandurbar ranges coupes the year before last ?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) The resale of the coupes was ordered by the Conservator under an erroneous impression that the tenders already sanctioned did not

*Vide Appendix No. 39.

conform to the conditions of the first proclamation. Subsequently it was seen that there was no flaw in the tenders in question. They were accordingly sanctioned and the resale was cancelled.

(c) The forms* of the two proclamations are placed on the Council table.

PUBLIC INSPECTION OF INDICES OF DOCUMENTS IN REGISTRATION OFFICES.

Mr. H. H. NARIELVALA (Broach District): (1) (a) Will Government be pleased to state whether it is a fact that the public are not allowed to inspect the indexes of documents maintained in registration offices under the New Card Index System and that they have to accept the result of the inspection made for them by the servants of the department?

(b) If so, will Government be pleased to say on what grounds the right of inspection of indexes has been taken away from the public?

(2) Will Government be pleased to state whether the orders depriving the public of the right of inspection of indexes were issued by them or with their sanction? Will they be pleased to place those orders on the Council table?

(3) Will Government be pleased to state the legal authority empowering them to deprive the public of a privilege granted by an Act passed by the Indian Legislature?

(4) Will Government be pleased to state in what respects the old system was found to be so defective as to justify the change?

The Honourable Mr. A. M. K. DEHLAVI: (1) (a), (b) and (4) The attention of the honourable member is invited to the reply to a similar question by Mr. D. B. Adwani which is printed at page 164 of Volume XIII, Part II, Bombay Legislative Council Debates, 1924.

(2) and (3) Do not arise.

SUPERIORITY OF NEW REGISTRATION INDEX SYSTEM OVER THE OLD.

Mr. H. H. NARIELVALA (Broach District): (a) Will Government be pleased to state in what respects the new card index system is superior to the old?

(b) Will Government be pleased to state whether the new card index system was introduced for the public convenience or for departmental convenience or for both?

The Honourable Mr. A. M. K. DEHLAVI: (a) The new card index system is superior to the old system in the following respects:—

(1) The law as to indexes requires that there should be indexes of executants, of claimants and of location of property. Under the old system the claimants were not indexed, while under the new system there is an index of claimants also. The new index therefore conforms with the law more completely than the old one.

(2) Under the old system the names were arranged under each letter of the alphabet, but within that letter there was no alphabetical arrangement. Consequently to find any name search had to be made right

* Kept in the Secretary's office.

through all the entries under the particular alphabet, which was very slow and tedious. The card index system admits of a perfect alphabetical arrangement and consequently the names can be discovered more rapidly.

(3) The card index system is more economical as regards labour, stationery and space for storing the indexes.

(b) Both.

PAY OF GRADUATES IN THE REGISTRATION DEPARTMENT.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether their orders contained in circular, F. D., 438 of 25th June 1920 (paragraph 8) regarding the revised pay of graduates have been applied to the Registration Department? If so, will they please state—

(1) what distinction has been observed in fixing the starting pay of graduates who joined the department on or after 1st March 1920 and of those who had put in some service on 1st March 1920?

(2) what distinction has been observed in fixing the starting pay of graduate and non-graduate sub-registrars who were all drawing Rs. 40 on 1st March 1920 with similar length of service in the grade in view of the higher qualification of the former?

(3) what advantage has been given to graduates who were in service on the date of the revision over non-graduates and vernacular knowing men in view of the general orders of the Government?

The Honourable Mr. A. M. K. DEHLAVI: The orders contained in paragraph 8 of Government Circular, Financial Department, No. 438 dated 25th June 1920 were taken into consideration at the time of fixing the starting pay of graduates in the Registration Department when revision of pay of the officers of the Department was made. The starting pay was fixed at Rs. 71 in the (50—3—80) grade.

(1) The starting pay of all graduates who joined the Department on or after 1st March 1920 was fixed at Rs. 71, and that of all those who had put in some years' service was also fixed at Rs. 71, if their emoluments under the revision scheme did not otherwise come to Rs. 71. If they exceeded Rs. 71 it was fixed at whatever they were entitled to, without distinction whether they were graduates or non-graduates.

(2) The starting pay of graduates who were drawing Rs. 40 on 1st March 1920 was fixed at Rs. 71 and that of non-graduates on the same pay on that date was fixed at whatever was due to them under Government Resolution, Financial Department, No. 343 of 25th May 1921 *except in cases of non-graduates in the last grade with less than three years' service*. Their starting pay was fixed by giving increments according to their length of service up to three years.

(3) The advantages given to graduates who were in service on the date of revision over non-graduates are as stated above. Also, in some cases, graduates, if they were found efficient, were given promotions in preference to other men when giving promotions to higher grades in selection turns, after the revision.

INJURY TO EYES ON ACCOUNT OF SMALL SIZE OF PHOTO COPIES OF DOCUMENTS.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether they have obtained the opinion of medical experts as to whether the small size of the photo copies under the new system of photography introduced in the Registration Department as an experiment will not injure the eye-sight of those who have to deal with them daily ?

The Honourable Mr. A. M. K. DEHLAVI: No; it was not thought necessary to do so.

Mr. H. H. NARIELVALA: Will it be done now ?

The Honourable Mr. A. M. K. DEHALVI: No, it is not necessary.

COMPARISON OF PHOTO COPIES OF DOCUMENTS WITH ORIGINALS.

Mr. H. H. NARIELVALA (Broach District): (a) Will Government be pleased to state whether photo copies are compared with the original documents before they are certified to be true copies under the Registration Act ?

(b) If not, will Government explain why they have allowed the legal defects arising out of this experiment to continue ?

The Honourable Mr. A. M. K. DEHLAVI: (a) When documents are photographed it is not necessary to compare the photo copy with the original. The photo copies are only examined to see that there is no noticeable defect. The copies are certified as "true photo" and not as "true copy".

(b) It is proposed to cure by legislation the legal defects, if any, in the photo-copying system and a bill to this end is under consideration.

OBJECTION TO INTRODUCTION OF PHOTO COPIES OF DOCUMENTS FROM LAWYERS AND SOLICITORS.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether they have received any complaints or objections against the introduction of photography in the Registration Department from lawyers and solicitors of Bombay ?

If so, how have they been dealt with ?

The Honourable Mr. A. M. K. DEHLAVI: A petition was received from the Bombay Incorporated Law Society in April 1924 in which objections were raised by the society against the photo-copying method. In reply the society was referred to the Press Note No. 143 dated 28th August 1924 issued by the Director of Information which dealt with the points raised in the petition.

ACCESSORIES FOR PHOTO-COPYING OF DOCUMENTS.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether the cameras, glass and chemical materials,

etc., required for preparing the photo copies are of Indian production or are imported from outside by the department directly or through agents or merchants ?

The Honourable Mr. A. M. K. DEHLAVI: The articles are not of Indian manufacture and they are imported from England through the Director-General of Stores.

TRANSLATIONS OF THE BOMBAY LAND REVENUE CODE.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state—

(a) whether the Bombay Land Revenue Code has been translated into the different vernaculars of the presidency, and

(b) whether the translations are sold to the public at cost price ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The Land Revenue Code has been translated into Marathi, Gujarati, Kanarese and Sindhi.

(b) Yes, but with an additional charge for the book-sellers' commission.

SOURCES OF REVENUE ALLOTTED TO VILLAGE PANCHAYATS.

Mr. H. H. NARIELVALA (Broach District): (a) Will Government be pleased to state the sources of revenue they have allotted to village panchayats by way of grants under the Village Panchayats Act in lieu of the grants that Government used to contribute towards sanitary committees ?

(b) Will they be pleased to state the amount of grant they contributed to the sanitary committee in each district in the year before the Village Panchayats Act was put in force and the amount of grant they make to village panchayats in each district and to state also the number of sanitary committees and village panchayats in each district ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) No grants are made to village panchayats. However, as an exceptional case, the village panchayats in the Poona district have been allowed to credit to their funds the rents levied for the use of Government land for the purposes of markets as a Government grant under section 25 (h) of the Village Panchayats Act, 1920.

(b) Information is being called for.

SELECTION OF HONORARY MAGISTRATES.

Mr. H. H. NARIELVALA (Broach District): (a) Will Government be pleased to state what action has been taken by them in the matter of the selection and appointment of benches of honorary magistrates in the presidency proper in view of the statement made by the Honourable the Home Member on 1st August 1924 ?

(b) Will they be pleased to state the names of the places where after the expiry of the term of the honorary benches of magistrates and honorary magistrates changes have been made in view of the statement

made by the Honourable the Home Member on 1st August 1924 and to further state what qualifications they require as regards knowledge, ability, experience or status ?

(c) Do Government intend to examine the question of the method of appointment of honorary magistrates also ?

The Honourable Sir MAURICE HAYWARD : (a), (b) and (c). I am not aware of the precise statement in the mind of the honourable member. The debate in question related specially to benches of honorary magistrates in Sind. But the subject generally is also under examination in reference to the presidency proper. I have frequently in recent replies to other honourable members stated the qualifications required of honorary magistrates by government.

LIQUOR LOCAL OPTION.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state—

(a) whether they have considered the question of investing local bodies with statutory powers to fix the number and location of liquor shops within their jurisdiction ?

(b) if so, with what result ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) Government do not consider it feasible to invest local bodies with the proposed powers.

HAND-SPINNING IN GIRLS' SCHOOLS.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether the question of introducing hand-spinning in girls' schools in the presidency has been considered by them ; if not, do they contemplate to take any action in this behalf ?

The Honourable Mr. B. V. JADHAV : Government have considered the question and come to the conclusion that hand-spinning should not be introduced in schools managed by Government. Government, however, have no objection to other schools such as those under municipal or private management introducing hand-spinning on the understanding that the time allowed to hand-spinning will not prejudicially affect the work of the schools in other subjects and that the expenditure incurred on this account is not admissible for the purpose of grant-in-aid.

REVISION OF SCHOOL CURRICULUM AND TEXT-BOOKS.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether they have considered the question of revising the present curriculum and text-books in order to bring them up to modern requirements ?

If not, do they propose to take any action in the matter ?

The Honourable Mr. B. V. JADHAV : The question of modifying the present curricula to meet the needs of rural areas and possibly of framing

separate curricula for schools in urban and in rural areas is under consideration. School boards are empowered under the Primary Education Act, 1923, to frame their own curricula subject to the sanction of Government. The question of revision of text-books is also under consideration.

FEEDER RAILWAY PROJECTS PROPOSED BY BROACH DISTRICT LOCAL BOARD.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether any action has been taken by them in connection with the feeder railway projects proposed by the District Local Board, Broach, and if so, to state the stages they have reached?

The Honourable LALUBHAI SAMALDAS: The attention of the honourable member is invited to the reply given to question No. 4 put by the Thakor of Kerwada (Gujarat Sardars and Inamdars) at the last session of the Legislative Council.*

RULES UNDER THE PRIMARY EDUCATION ACT, 1923.

Mr. H. H. NARIELVALA (Broach District): Will Government be pleased to state whether they contemplate the revision of the rules under the Primary Education Act, 1923, published under Government notification, no. 2534, dated 10th October 1924, in view of the protests made by the several municipalities and district local boards in the presidency? If so, when, and on what lines?

The Honourable Mr. B. V. JADHAV: Attention is invited to the reply given to a similar question by the honourable member for Gujarat Sardars and Inamdars.†

(Clause by clause reading of Bill No. XXI of 1924 resumed.)

The Honourable the PRESIDENT: Government Bills. Bill No. XXI of 1924. The question before the House is that clause 17 do stand part of the Bill.

Clause 17 (Entry for purposes of the Act).

It shall be lawful for an inspector appointed under this Act to enter for the purposes of this Act at all reasonable times into or upon any place which he has reason to believe is used for the manufacture or sale of any food:

Provided that in making such entry due regard shall be paid to the social and religious customs of the occupiers.

Mr. HOOSAINBHAI A. LALLJEE (Bombay City): Sir, I rise to oppose this clause 17. I venture to think that an amendment ought to have been moved to this clause. As it has not been moved, I think that without any safeguard this provision for the inspection of the premises should not be passed. Even in the Act for the protection of children Government had inserted certain restriction with regard to the inspection of premises and I regret that Government have not thought fit to do so in the case of this Act. I admit that without the inspection of the premises

* Printed in the 8th list for the last session.

† Question 3 printed in this list.

[Mr. Hooseinbhoy A. Lalljee]

this Act will not be of much use. But at the same time there must be a safeguard in respect of entry into the premises. Unless and until the Honourable Minister declares that due safeguard will be provided, I for one would strongly oppose this clause, as it is likely that the premises will be entered into without any restriction whatsoever. It will be stated that Government will take particular care in making appointment and that they will look into the experience and skill of the officers to be appointed. As regards that, we have had enough experience of the way in which Government select their officers. We have seldom been satisfied with the choice of their appointments. It is only to-day we had an instance in which Government have appointed one gentleman for the protection of law and order who has been convicted more than once.

Leaving that aside I really wish to draw the attention of the Government to the fact that howsoever they may try to appoint honest people, there are other sources by which people get appointments. In the municipal administration the subordinate officers may get in for this job. Therefore, in the interests of the people, I do wish that Government will respond to the views of the popular side of this House and provide safeguard with regard to inspection of the premises. We have gone on so long with the adulteration of food-stuff and it is necessary that we should pass this Act as soon as possible, but we do not want that without any safeguard these powers should be given to the officers to enter the premises without due notice and due care.

It is quite possible for the Government, as they did in the case of the Act for the protection of children, to give us an assurance, an honest assurance, which they carry out sometimes, that they will bring in an amending bill for this purpose if at all they wish to have this bill passed. Without that safeguard, I strongly object to clause 17 and even object to the passing of this bill.

The Honourable Mr. B. V. JADHAV : Sir, it really surprises me that there should be opposition to this clause, which has been considered essential by the select committee to bring into operation this necessary piece of legislation. If the House turns to clause 3, they will find that it says :

Any person who mixes, colours, stains or powders or orders or permits any other person to mix, colour, stain or powder any article of food with any matter or ingredient so as to render the article injurious to health with intent that the same may be sold in that state or sells or offers or exposes for sale any such article so mixed, coloured, stained or powdered shall be punished, etc.

Such persons as are colouring, staining and so on, will be punished by a court. Anyone can imagine that these men will not perform these operations in the open or on the road. It will be done in a house, perhaps with doors closed. If it has to be found out, his premises will have to be entered into. In clause 4 it is stated :

If not, do they permit causes to be sold or manufactures, offers or exposes for sale."

The Honourable Mr. J. in his shop or warehouse or factory. There- present curricula to meet to be entered into. So, this power is quite

[Mr. B. V. Jadhav]

necessary and without this power of entry this piece of legislation will not be of any use.

Often doubts are expressed with regard to the appointment of officers by Government. Whatever it is in other cases, in this case the appointment will be made by the municipality of Bombay and, if the Act is extended to local areas, by the local areas concerned. This House may, therefore, rest secure that no wicked officers will ever be appointed by Government.

Mr. P. G. JOSHI: Are not the powers under clauses 9 and 11 sufficient?

The Honourable Mr. B. V. JADHAV: They are not sufficient. I may point out to the objectors of this clause that there is a proviso on page 9 that in making this entry due regard should be paid to the social and religious customs of the occupiers. So, sufficient care has already been taken to see that nothing wrong is done to the social or religious customs of the occupiers which ought to be respected. I think that is sufficient safeguard and no further safeguard is required. If honourable members want to bring in any bill in this respect, I shall consider it sympathetically.

The Honourable the PRESIDENT: The question is that clause 17 do stand part of the bill.

Question put. House divided. Ayes, 44; Noes, 29. Motion carried.
Division No. 3.

Ayes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABERCROMBIE, Mr. J. R.
AHMAD, MOULVI RAFIUDDIN
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BOLK, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDES, Dr. COSMOS
FRANJLI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JERANGIR, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.

KAY, Mr. J. A.
KAZI INAITULLAKHAN
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MANSURI, Khan Saheb A. M.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, Sardar G. N.
NEKALJAY, Mr. R. S.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PATHAN, Mr. A. F. I. K.
PETCH, Mr. F. W.
RAHIMTOOLA, Mr. HOUSENALLY M.
SARDESAL, Mr. S. A.
SHANKARBAO JAYABAMBHO
ZUNZARRAO, Mr.
SURVE, Mr. A. N.
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. N. N.
WILES, Mr. G.
WOODS, Mr. E. E.

Tellers for the Ayes: Mr. K. F. NARIMAN and Mr. HOOSAINBHAY A. LALL-EE.

Noes.

ADWANI, Mr. D. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.

GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.

Noes—contd.

KOTHARI, Mr. V. R.
LALLJEE, Mr. HOOSEINBHAY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
PATEL, Mr. D. N.

PATEL, Mr. G. I.
POWAR, Mr. M. B.
PUNJABHAI THAKERSI, Mr.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of Kerwada, the
VELKAR, Dr. M. B.

Tellers for the Noes: Mr. N. N. WADIA and Mr. V. A. GRANTHAM.

Clause 17 ordered to stand part of the bill.

Clause 18 (*Liability for acts done in good faith in discharge of duty or exercise of power*).

No person shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

Mr. M. R. JAYAKAR (Bombay University): Sir, clause 18, I wish to point out to my honourable friends, should not form part of the bill. Now that clause 17 has been enacted, there is great danger in allowing clause 18 to remain in the words in which it stands now. My honourable friends will pardon my going for a few minutes into the history of the principle of this clause. I may point out that clause 17, which permits a right of entry to an inspector for the purpose of discovering an offence under this Act, is not a new clause. This clause is more or less a repetition of similar clauses in other Acts. I will give my honourable friends only two references. One is to the District Municipal Act, sections 142 and 159, which as my honourable friends are aware applies to district municipalities in the presidency. Clause 17 of this bill is analogous to both those clauses. But what is noteworthy is that in the District Municipal Act, which applies to more or less big towns, there is no provision like clause 18. Clause 18 says:

"No person shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance of any duty imposed."

That means, in the lawyer's language, that he is immune not only from civil action for compensation by way of damages for any wrongful act done, but also, unlike usual clauses of this character, it goes further and says that he shall also not be liable to any criminal prosecution. I want the honourable House to note these two words "penalty" and "damages". I propose to point out, and I hope satisfactorily, that this clause as drafted is a very sweeping provision and goes a great deal beyond similar clauses where they have been enacted. In acts which are applicable to towns the danger of a clause like this may not be great. But, as my honourable friends are aware, this Act is likely to be made applicable to small villages, and the danger is therefore great. In a small village if the official enters a poor man's hut under a mistake of identity or under some other mistake, he is to be rendered immune from all consequences

[Mr. M. R. Jayakar]

by a special provision. This honourable House is aware that the general law protects him, and there are defences open to him under the ordinary law by which he can escape. But to go further and to specially enact, as clause 18 does, that he shall be immune from all penalties and damages is in my opinion to go too far, and may amount to an invitation to commit irregularities. I was pointing out to my honourable friends that in the District Municipal Act, sections 142 and 159 are analogous to clause 17 of this bill, and yet a clause giving immunity from criminal and civil action, as clause 18 does, does not exist in that Act. Even in the Bombay Municipal Act which, as the honourable members are aware, deals with a comparatively well educated community like the Bombay public, there is no section giving general protection against criminal liability. In that Act there are sections 413 and 374, corresponding to clause 17. Section 374 provides that the Municipal Commissioner can inspect insanitary dwellings just as clause 17 permits the inspector. Likewise section 413 permits entry by a municipal official including the commissioner where flesh is sold. It is similar to clause 17. Yet it is curious that as regards these sections of the Bombay Municipal Act there is no section analogous to clause 18 although the Act deals with a place like Bombay where people are more educated and able to protect themselves than in villages to which this Bill will apply. There is, in connection with section 413, only a limited immunity. If my honourable friends permit a brief reference to that section, I may state that the first part of that section permits a person to enter as clause 17 does. The second part of that section is worded as follows:—

“ No claim shall lie against any person for compensation for any damage necessarily caused by any such entry.”

The community is therefore confined only to the civil remedy of damage. Then again, damage “necessarily caused by such entry” is alone protected, which is quite different from the wide and indefinite wording of clause 18. The honourable House is aware that civil damages sometimes run into four and five figures. Therefore, the Bombay Municipal Act provides for an immunity against such compensation for damages which may be heavy. But the House will note that even the Bombay Municipal Act does not provide, although it deals with a community like the Bombay public, that the inspector is immune from criminal law. May I know, therefore, what justification there is for this clause to exist in an Act which may be, in certain cases, extended to villages? Does the Honourable Minister think that in a small village a man may go wrong and enter a poor man's hut and yet be more immune than in a place like Bombay? If not, how does he justify that a provision which does not exist in the Bombay Municipal Act should be allowed to exist in this Bill? I am sure that with his first-hand knowledge of village communities he will explain this anomaly, and I shall be happy to withdraw my opposition if some reason is shown for the same. Therefore, taken with clause 17, clause 18 becomes a dangerous enactment.

Further, if honourable members look at the wording they will see that clause 18 is very much wider than the wording of the section of

[Mr. M. R. Jayakar]

the Bombay Municipal Act. The language of the latter section is definite enough, viz., damage necessarily caused by the entry. The Judge knows what that means. But the wording of clause 18, protecting everything done in pursuance of duty in good faith, is very indefinite, affords innumerable loopholes, and makes proof very difficult. How is "*mala fide's*" to be proved? Is it possible, except in exceptionally glaring cases, to prove it? Therefore, the clause will practically protect many misdemeanours under the guise that the entry was *bona fide* and in pursuance of duty. I therefore move that this clause may be rejected.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I am glad that the honourable member, the leader of the Swaraj party, has admitted that all servants of the municipality are immune from civil liability under the particular section that he quoted just now. But he says that this bill goes a step further and provides that such persons are immune not only from civil liability but from criminal liability, too. But I maintain that it is not so, with due deference to his opinion. If he reads the section, he will see that it provides that such a person will be liable to civil and criminal action if he has not acted in good faith, that is, with due care and caution. Under the Municipal Act a municipal servant is a public servant; unless he has acted with due care and caution in the discharge of his duties, he is liable under the criminal law.

Mr. M. R. JAYAKAR: Where is that?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Under section 521, all the municipal servants are deemed to be public servants. Then, I refer the honourable leader of the Swaraj party to the Indian Penal Code.

Mr. M. R. JAYAKAR: I repeated that under the general law they may or may not be liable. My point is that there is no special provision of this character given in the Municipal Act.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: If the honourable leader of the Swaraj party will refer to clause 18, he will see that it says that no person shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance of any duty, and so on. So the burden lies on him to prove that he has acted with due care and caution, and unless he proves his good faith he is liable to civil action.

As regards criminal liability, Sir, all the servants of the Municipal Corporation of Bombay are public servants, and they cannot be liable to any criminal action when they have done any act in good faith in the discharge of their duties. Under the municipal act, servants of the municipality are immune from civil action, but under this clause they will be liable unless they have acted in good faith.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, the officers who will be appointed under this Act will be public servants and public servants are protected by other laws if they are doing their

[Mr. J. C. Swaminarayan]

work in good faith, and in that case where is the necessity of having this clause? As public servants they have protection provided by enactments of Government and, therefore, this clause 18 is unnecessary and must be deleted.

Mr. K. F. NARIMAN (Bombay City, South): I am really surprised, Sir, at the Honourable Minister in charge of local self-government misquoting municipal law. He said, Sir, rather boldly said, that according to the Municipal Act no municipal servant is liable for damages for any act done by him.....

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I have never said that; the honourable the Leader of the Swaraj party said it.

Mr. K. F. NARIMAN: But he endorsed it and he emphasized it by saying that every municipal servant is protected even from civil liability. I may draw his attention, Sir, to section 527, where he will see that under certain restrictions the Municipal Commissioner, the Deputy Municipal Commissioner, and all are liable to pay damages under certain circumstances.

"No suit shall be instituted against the corporation or against the Commissioner, or a Deputy Commissioner, or against any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act until the expiration of one month next after notice in writing has been served in the municipal office" and "the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice."

Then it goes on to say:

"The claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs."

So not only is it not correct to say there is no provision, but there is a special provision made under the Municipal Act whereby a public citizen can go to the court and can claim damages from any officer from the highest to the lowest. The only difference is that in ordinary law one month's notice is not necessary, whereas in this particular Act there is a particular section provided that the plaintiff must give one month's notice. Now, Sir, if the provisions were under the Municipal Act, the prevention of adulteration of food might have been done under the City Municipal Act as it has been done previously—if it had been continued to be done under the City Municipal Act, then under these provisions which I have mentioned, not only the Municipal Commissioner and the Deputy Commissioner, but even all the members of the municipal corporation would have been liable for a suit for damages under certain circumstances and the aggrieved party would have been entitled to claim damages. While the same duties are to be done under this bill, I cannot understand why a special provision should be inserted in this bill for giving immunity to or exonerating the officers from those liabilities which exist under the Municipal Act. I therefore say that a very strong case is made out for the deletion of this clause, particularly when there is a clause like clause 17 in the bill. Because this fear of a

[Mr. K. F. Nariman]

prosecution and a liability for damages would be a sort of safeguard against an abuse of authority on the part of the inspector concerned. If the inspector thinks that he can do as he likes and that he has only to prove good faith—when a Government servant is concerned, good faith is always presumed—if the inspector is under the belief that not only has he got all those powers, wide powers, of entering into any place without any search warrant, but at the same time the law also provides an immunity for him even if he has done a wrongful act, then certainly, Sir, there will be a further danger so far as the public safety is concerned. It is, therefore, very necessary to delete this clause in order to have some safeguard so far as the action of the inspector is concerned.

The Honourable Sir MAURICE HAYWARD : Mr. President, the point raised by my honourable friend opposite is one of a highly technical character and it is rather unfortunate that it was not raised before, so that it might have been fully investigated. But the wording is no new wording. As my honourable friend probably is aware, the reference at the side of the clause is to the Bombay City Police Act, No. IV of 1902. The wording is taken from that Act and is exactly the same. In that Act the wording is this :

“ No magistrate or police officers shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance, etc., etc. ”

so that the wording is taken from a provision that has been in force for over twenty years and, as far as I am aware, nothing very dreadful has happened owing to this wording being in force in the City Police Act. I am not aware that anybody has found any reason to be dissatisfied with this and I should say that it would be as well to retain this wording. I am not myself quite satisfied that it really matters. The criminal liability is already provided for, as explained by my honourable friend the Minister, in the Indian Penal Code and I am inclined to think that the relief here contemplated is civil relief. Now, as my honourable friend opposite knows, the word “ penalty ” is often used in reference to civil penalties ; it does not necessarily refer to any criminal penalty.....

Mr. M. R. JAYAKAR : It includes criminal penalty.

The Honourable Sir MAURICE HAYWARD : I do not think it is a word of art ; I am not sure. I cannot give an opinion without the books. But I am confident it will be found that civil damages are not infrequently described in English law as penalties. So that probably the wording is simply a comprehensive wording to show that it was intended to exempt from every kind of civil liability, whether known as penalties or damages by way of ordinary suit. I should, therefore, recommend that the words should be retained as they have been in force without objection for a great many years in another Act. If any alteration is made now, it might possibly be held that the protection from civil liabilities was intended to be reduced, that the same protection was not intended in this Act as in the previous Act, that these officers might be held to be liable for civil action to a greater extent than they were before under the present bill. I think it would be a mistake to make any alteration. It makes

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no difference as to criminal liability. As my honourable friend opposite has pointed out, there is already a protection against any criminal action. It really does not matter whether you repeat it here or you don't; there is already the protection in the Indian Penal Code. It therefore does not make two pins difference. And if it merely refers to civil liability, then I submit, Sir, that the officers are entitled and ought to be given full protection from civil liability for acts done in good faith, as has been given for over 20 years to officers under the City Police Act. I think, therefore, Sir, that at this stage it would be a mistake to alter a wording which has been carefully put in by the draftsman, which has passed through the select committee and has hitherto not been objected to at all. I recommend, Sir, that this wording, therefore, should be retained and that full protection from civil damages should be accorded to these officers.

Mr. B. G. PAHALAJANI (Western Sind): Sir, after the Honourable the Home Member has spoken and after his distinct statement that this particular section had escaped the notice of his draftsman so as not.....

The Honourable Sir MAURICE HAYWARD: I never said it had escaped his notice. He himself drafted it.

Mr. B. G. PAHALAJANI: I mean he said, had escaped the careful scrutiny of his draftsman and after the Honourable the Home Member's half-hearted support of this particular clause, I think Government will be well advised to withdraw this particular clause because it does not affect the frame of the bill. We have nothing to do with the penalty contained in it. I will take the Honourable the Home Member's own assertion that this section protects the officer acting under this Act from damages on a civil suit. If the honourable members go through the Act, they will find that the only officer that is or has to act, is an inspector appointed by the local authority, at this day by the Bombay City Municipality but hereafter by any municipality in the presidency. That is to say, the only officer that has to act, the only officer that has authority to do anything, is the inspector appointed by the local authority. Another officer mentioned in the whole of the Act is the public analyst who is certainly not a servant in any way who can act under the Act, whose presence therefore we can easily omit. Therefore, the only officer whom this whole Act and whom this particular section are intended to protect is the inspector appointed by that local authority. If the inspector is the only officer intended to be protected, then it means that this Act extends the protection which up to this time the previous Acts of Government have been refusing to a servant of local authorities not only under the Municipal Act but under all special Acts. This Act replaces Municipal Acts and under the Municipal Acts no servant is exempted from any civil liability. However *bona fide* the action may be, he is not protected under section 527 of the city or any other section of the mofussil Municipal Acts. Not only is a municipal servant not protected, but even municipal members are not protected, not even municipal presidents, even municipal chief officers are not protected for the most *bona fide* actions that they might do when they are *ultra vires* or are not in consonance with the

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powers conferred by that Act upon them. As soon as a municipal chief officer or a councillor or a servant exceeds his authority even in the most *bona fide* manner, civil liability is created by section 527 of the Act or by section 167 of the District Municipal Act. Now, by this section what is intended to be enacted? What the Bombay City Municipal Act denies, what the District Municipal Act denies, namely, the protection that both these Acts deny to any municipal servant or to any municipal councillor or to even the highest executive head of a municipality, this particular clause gives to a mere inspector who may be appointed. A mere inspector may do the most illegal act, may go against the provisions of the whole Act, may refuse to obey one single provision, one single section of this Act, and yet when a civil suit is filed against him, this section will stare the plaintiff in the face and it will be said that because *mala fide* is not proved no civil suit will lie, and as long as *mala fide* is not proved the most illegal action of any inspector cannot be challenged by a civil suit for damages. That is the state of affairs and that is what the Honourable the Home Member felt and was half disposed to admit when he addressed the Council. By the Bombay City Police Act and the Criminal Procedure Code, certain powers are conferred on the police. In the case of a police officer armed with authority the only question that arises is of *mala fide*. There is only one special Act of 1850 in which exemption from damages is provided for magistrates and judges as long as their action is not *mala fide*, but, so far as local bodies are concerned, I still wait to be told by any member of the legal profession or by any of the Government's law officers that, so far as local bodies are concerned, such protection is given under any Act for their *ultra vires* acts, I still wait to be told that a suit for damages can be prevented by a particular section in any special Act. According to the recently reported rulings of the Bombay and other High Courts, even the Government itself is not protected, howsoever *bona fide* its action may be, from a civil suit for damages except under the Income Tax Act. Ordinarily any Government officer, the Government itself, the Secretary of State himself, is not protected from a suit for damages (for criminal action, of course they are) if an act is done by any public officer or servant in excess of the power conferred on him. Even in their case, it is not necessary to allege or prove *mala fides*. This particular clause gives protection to a mere inspector appointed by the local authority greater than what any other Act confers, greater than to the local authority itself, greater than to Government servants, greater than on the Government itself. To give a protection to a tiny servant of a local authority which the highest officer of the Government does not possess is an absurd proposition.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I rather agree with the Honourable the Leader of the House when he says that it is rather late in the day, and it would have been very much better if my honourable friend on my right (Mr. Jayakar) had sent in notice of amendment about it, but still the matter is there.....

Mr. M. R. JAYAKAR: I object to the whole clause.

MOULVI RAFIUDDIN AHMAD: Still it would have been better if the honourable member on my right had given notice of an amendment about the very principle involved in this. I think the Honourable the Leader of the House was rather in a melancholy mood in bringing forward his excuse. It is well known that a coach and four can be driven into any Act and it is the duty of all legislators to see that the technical part of legislation is properly worded. The consideration ought not to be for his department, but the consideration ought to be: Will Government lose anything by gracefully giving in? A technical mistake has no doubt been committed and this has been half-heartedly admitted by the Honourable the Home Member and I do say that no harm would be done to Government if this clause were rejected. I am not satisfied with the statement of the Honourable the Leader of the House that penalty does not mean criminal penalty and there has always been civil penalty, but there the amount is fixed, and here, there will be a great deal of confusion. The offences will be tried by second class magistrates who are not as learned as the Honourable the Home Member and they may commit mistakes, and after his speech to-day they may be inclined to say that the word "penalty" is not taken away even after the objection of the leader of the Swaraj party. So there will be a great deal of confusion. The Honourable the Home Member is a strong man, he is not a weak man who persists in continuing mistakes, and I do believe that in the interest of the reputation of this House, the Honourable the Home Member will not insist upon this clause being retained.

Mr. J. BAPTISTA (Bombay City, North): Sir, I do not find any objection to this clause in the minutes of dissent to this bill. We have been told that because there is such protection in the other Acts the same protection should appear here in this bill also. A reference in this connection was made to the Municipal Act. I should like to call the attention of this House to this matter so far as the Municipal Act is concerned. The Municipal Act deliberately contemplates damages to goods and in order to protect these goods, it contemplates compensation for damages done to goods. There is a fundamental difference between the nature of protection contemplated in that Act and in the bill now before the House. There are several clauses in the Municipal Act which contemplate measures which invariably lead to protection against damage. Legislature has wisely provided for these damages. Therefore, no analogy can be drawn from the Municipal Act to this bill. Here it is a protection given to the officer who is in duty bound to do certain acts imposed upon him by the legislature. If he is to be terrified with prosecution, you cannot expect him to discharge his duty which is deliberately imposed upon him by the Act. This difference between the two kinds of protection has escaped the attention of honourable members. This protection to the officer is absolutely essential. Otherwise what will happen? The officers will be so terrified that they will not be able to do their duty to prevent adulteration of food which is injurious to public health. It is absolutely necessary that this protection should be given, because it is done in pursuance of a duty performed *bona fide*. I think it would be well for the House to retain this protection to officers.

Mr. K. F. NARIMAN: I want your permission, Sir, to point out to the Honourable the Leader of the House that under the City Police Act and the District Police Act the police officers are not exempt from prosecution and liability for damages. If you will allow me.....

The Honourable the PRESIDENT: If it is a personal explanation, I can allow it.

Mr. K. F. NARIMAN: It is not a personal explanation. Certain sections were misquoted.

The Honourable the PRESIDENT: I understand the honourable member wants to reply to the speech made by the Honourable the Leader of the House. There are many other lawyers in the House who can deal with it. I cannot allow more than one speech from one honourable member.

The Honourable Mr. B. V. JADHAV: Sir, after what has been stated by the Honourable the Leader of the House and the honourable member the President of the Municipal Corporation of Bombay, I think very little has been left for me. The point is that there are certain provisions punishing adulteration of food in the present Municipal Act. But as these provisions were found inadequate and adulteration had been going on unchecked, it was thought necessary to bring in this bill and to provide for the prevention of adulteration. In order to achieve this object it is necessary that those persons who will have to put this Act into execution should not be deterred by any fear of prosecution. For that very reason these provisions have been inserted in this enactment. As for the criminal prosecution, it has been provided for under the general law; but there is a more serious fear of a civil suit. It will be very easily realised that the people who will be affected by this enactment are dishonest manufacturers of adulterated articles of food. In the city of Bombay, rich men will not care to throw away one or two thousand rupees in prosecuting a man appointed by the corporation. If the officer who performs his duty under this Act is prosecuted, who is to bear his legal charges? If the poor inspector is left to his own resources, then he will think that it is not worth his while at all to attempt detecting adulteration, and the nefarious practice of adulterating articles of food will go on unchecked. If it is necessary to put this Act into execution, it is essential that these officers should have adequate safeguards. Therefore, I think this clause is necessary. As regards persons who act *mala fide*, they will be liable for criminal prosecution and they will get no protection. Therefore, I consider this clause quite essential in the interest of the proper working of this Act.

Question put. House divided. Ayes, 46; Noes, 33. Motion carried.

Division No. 4.

Ayes.

ABDUL LATIF HAJI HAJI AT KHAN, Mr.
 ABERCROMBIE, Mr. J. R.
 ATHAVLE, Mr. S. N.
 BAPTISTA, Mr. J.
 BARLEE, Mr. K. W.

BHURGI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.

Ayes—*concd.*

DEHLAVI, the Honourable Mr. A. M. K.	LAWRENOR, the Honourable Mr. H. S.
FERNANDEZ, Dr. COSMAS	MONTGOMERIE, Mr. A.
FRANJLI, Mr. K. S.	MOUNTFORD, Mr. L. J.
GHOSAL, Mr. J.	NAVLE, Mr. N. E.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH	NEKALJAY, Mr. R. S.
GRANTHAM, Mr. V. A.	NOOR MAHOMED, Mr.
HAMID M. ABDUL ALL, Mr.	OWEN, Mr. A. C.
HATCH, Mr. G. W.	PALNTER, Mr. H. L.
HAYWARD, the Honourable Sir MAURICE	PETCH, Mr. F. W.
HEPPER, Sir LAWLESS	SARDesai, Mr. S. A.
HOTSON, Mr. J. E. B.	SAYED MUHAMMAD KAMIL SHAH
JADHAV, the Honourable Mr. B. V.	SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
JEHANGIR, the Honourable Mr. COWARJI	SURVE, Mr. A. N.
KALSHOR, Mr. G. M.	THOMAS, Mr. G. A.
KARNLI, Mr. S. T.	TURNER, Mr. C. W. A.
KAY, Mr. J. A.	WADIA, Mr. N. N.
KAI INAITULLAKHAN	WILES, Mr. G.
LALUBHAI SAMALDAS, the Honourable Mr.	WOODS, Mr. E. E.

Tellers for the Ayes: MOULVI RAVIYUDDIN AHMAD and Mr. NOOR MAHOMED.

Noes.

ADWANI, Mr. D. B.	NANAL, Mr. B. R.
AHMAD, MOULVI RAVIYUDDIN	NARIELVALA, Mr. H. H.
BHOPATKAR, Mr. L. B.	NARIMAN, Mr. K. F.
DESAI, Rao Saheb D. P.	PAHALAJANI, Mr. B. G.
DEV, Mr. S. S.	PATEL, Mr. A. E.
DIXIT, Dr. M. K.	PATEL, Mr. D. N.
GUNJAL, Mr. N. R.	PATEL, Mr. G. I.
JAYAKAR, Mr. M. R.	PATHAN, Mr. A. F. I. K.
JOO, Mr. V. N.	POWAR, Mr. M. B.
JOSHI, Mr. P. G.	PUNJABHAI THAKRESI, Mr.
KARLI, Mr. M. D.	SAREBA, Mr. H. D.
KOTHARI, Mr. V. R.	SAPTARSHI, Mr. C. M.
LALLJEE, Mr. HOOSEINBOY A.	SOMAN, Mr. R. G.
MAVALANKAR, Mr. G. K.	SURVE, Mr. V. A.
MIRTA, Dr. M. M.	SWAMINABAYAN, Mr. J. C.
MOJUMDAR, Sardar G. N.	VELKAR, Dr. M. B.
MUKADAM, Mr. W. S.	

Tellers for the Noes: Dr. COSMAS FERNANDEZ and Mr. A. C. OWEN.

Clause 18 ordered to stand part of the bill.

(After Recess.)

Clause 19 (Rules).

The Government of Bombay may, after previous publication, and in the case of the City of Bombay in consultation with the Corporation of the City of Bombay, make rules, not inconsistent with the provisions of this Act, for—

- (a) regulating the appointment of inspectors under section 8;
- (b) prescribing the qualifications of inspectors;
- (c) determining what deficiency in any of the normal constituent of any article of food or what addition of extraneous matter shall raise a presumption, until the contrary is proved, that such food is injurious to health within the meaning of section 3 or is not of the nature, substance or quality it purports to be within the meaning of section 4 and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act; and
- (d) generally for carrying out the provisions of this Act.

Mr. M. D. KARKI (Kanara District): Sir, the amendment that stands in my name runs as follows :

In clause 19, before the words "make rules" and after the word "Bombay" the words "and in the case of other Local Areas in consultation with the Local Authorities concerned" should be added.

Sub-clause (d) should be made (e) and a new clause (d) as shown below should be added :

"(d) fixing the amount to be paid to the Local Authorities under section 12, clause 2."

The latter part of my amendment goes, as my amendment to clause 12 as amended by my honourable friend Rao Saheb Desai has been accepted by this House. I shall, therefore, only move the first part, namely :

In clause 19, before the words "make rules" and after the word "Bombay" the words "and in the case of other Local Areas in consultation with the Local Authorities concerned" should be added.

My amendment is in accordance with the general wish of this House, expressed on more than one occasion last year, that there should be a check on the rule-making powers of Government. Under sub-clause (c) of clause 2, "Local Authority" has been defined as follows :

"Local Authority" means in the case of the City of Bombay the Municipal Commissioner acting under the general or special orders of the Corporation, in the case of any other municipality the municipality, in the case of a cantonment the cantonment authority, in the case of a notified area the person or committee appointed under section 188 of the Bombay District Municipal Act, 1901, and in the case of a district local board area the district local board.

The bill provides that the provisions of this Act may be extended to local areas at the instance of such local authorities, who are not insignificant bodies. When the local authorities are considered as responsible bodies in that respect, it is not known why they should not be considered equally responsible in respect to rule-making also. In the case of the Bombay municipality clause 19 provides that rules should be framed in consultation with the Bombay Corporation. My amendment is that in the case of other local authorities also the local authorities should be consulted before the rules are framed.

I therefore request that my amendment be accepted.

Question proposed.

The Honourable Mr. B. V. JADHAV : I accept the amendment.

Question put and carried.

Clause 19, as amended, ordered to stand part of the bill.

Clause 20 (*repeal*), ordered to stand part of the bill.

Schedule A (*form of certificate*) ordered to stand part of the bill.

Schedule B (*Enactments repealed*) ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Mr. B. V. JADHAV : Sir, I now request that the Standing Order be suspended to enable me to move that the bill be read a third time now.

The Honourable the PRESIDENT : The Standing Order is suspended.

Third reading.

The Honourable Mr. B. V. JADHAV : Sir, I now move that the bill be read a third time.

Bill read a third time. Question put and carried.

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

BILL No. XXV OF 1924 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

(As amended by the Select Committee.)

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I present the report* of the select committee on a Bill further to amend the City of Bombay Municipal Act, 1888.

The Honourable the PRESIDENT: The report of the Select Committee on a Bill further to amend the City of Bombay Municipal Act, 1888, is presented.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I now move that the Bill further to amend the City of Bombay Municipal Act, 1888 be read a second time.

I do not want to detain the House any longer. I hope the bill as amended by the select committee will be passed for the second time. There are amendments proposed, and therefore I need not waste the time of this House in discussing them, as they will be discussed on their merits when they are taken up.

Question put and carried.

Bill read clause by clause.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I now move that the bill be read clause by clause.

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

Clause 2 (*amendment of section 3 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 3 (*amendment of section 11 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 4 (*amendment of section 14 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 5 (*amendment of section 22 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 6 (*amendment of section 23 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 7 (*amendment of section 26 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 8 (*amendment of section 28 of Bom. III of 1888*).

"For section 28 of the said Act, the following section shall be substituted, namely:—
Provisions respecting 28. With respect to the contested ward elections the following provisions shall have effect, namely:—

(a) Votes shall be given by ballot and in person. No votes shall be received by proxy:

* *Vide Appendix B.*

(b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (2) of section 27 as having been validly nominated ;

(c) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held ;

(d) when the name in the ward roll is that of a joint-stock company, a vote on behalf of the said company may be received from its secretary, agent, managing director or manager ;

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

(f) in plural councillor wards every elector shall have as many votes as there are councillors to be elected, at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit ;

(g) the person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected ;

(h) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(i) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare, for which of the wards he shall serve and the choice or declaration shall be conclusive ;

(j) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(k) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid and the number of rejected votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward."

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I beg to move :

In clause 8, section 28 (A) of the Act delete the words " by ballot and ".

Sir, as at present worded, sub-clause (a) reads as follows :—

" Votes shall be given by ballot and in person. No votes shall be received by proxy."

And I want it to read as follows :

" Votes shall be given in person."

Sir, in principle I am in favour of voting by ballot and I myself last year moved a bill amending the City of Bombay Improvement Act enabling the Bombay Municipal Corporation to elect their representatives on the Improvement Trust by ballot. But my experience of the

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last council election has been that the voters do not know how to vote by ballot. In the Council election in Bombay City there were only about two to three seats and about half a dozen candidates. Even in that case people did not know how to vote for their own candidates and how to exercise their full rights by marking against the symbols. In the municipal election in the different wards we have got as many as 6, 10, 12 or 16 seats, and it is likely that there will be as many as 25 candidates in some wards. I do not, therefore, understand how in such a case the voters who are the same as those for the Council elections will be able to exercise their full right of voting by putting as many crosses as they have votes against the names of their candidates. I therefore submit that for some time to come the ballot practice is not the practice which should be introduced in the city of Bombay.

Question proposed.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to support the amendment moved by my honourable friend from Bombay. Though I am not to be benefited by this amendment I think from the experience that we have had of the last Legislative Council election it is very difficult for the voters to give their votes to their candidates as the majority of them are illiterate, especially when in the Bombay city we have got so low a franchise as of ten rupees. In the case of the Legislative Council Bombay has got six seats and it is rather easy to vote for those candidates, but even then experience has shown us at the last election that a certain candidate who was very cocksure of having got in had transferred his votes to another candidate and he himself eventually failed. Later on he was given to understand that those who had voted for him could not properly vote for him, because they did not know the actual symbol and there was a mess over the voting and the candidate who was practically sure of success was thrown out. We had asked Government to amend the rules of election as far as the Corporation is concerned, namely, when we send trustees to the Improvement Trust or elect the Standing Committee. But in a general election like this when B Ward has about 12 seats there will be so many candidates and each voter can give cumulative votes and will be asked to put crosses against so many symbols which is difficult. In the case of open voting the agents who are acting on behalf of the candidates take the voters at the polling booth and then they are directed to vote for the candidates for whom they have come to vote. The new Corporation that is formed has not finished even three years and next election will be the second one, so there is no necessity for Government to make a change so soon as that unless a trial is given to so low a franchise as ten rupees for some more years.

Mr. S. K. BOLE: I rise to oppose the amendment. Sir, we were asking Government to introduce a system of voting by ballot as they have introduced it in the Council election. I am sorry that the experience of big landlords and employers of labour is quite different from the experience of poor men. At the time of election the big men used their influence and asked their servants to vote for particular persons and the

[Mr. S. K. Bole]

poor men become their victims. In fact they issue a mandate to their tenants as well as to their employees in the matter of voting. Sir, you are aware and the House is aware of how this voting is carried on if there is open voting and poor men are at a great disadvantage if the same system of voting is allowed to exist. Under these circumstances, I think the House will do well to drop the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am very sorry that ballot voting is opposed by the very honourable member who last year introduced ballot voting in the election of the Improvement Trustee by the Corporation of Bombay by bringing a special bill. If ballot voting is done away with and open voting is persisted in, the result will be murder of democracy, because just now so many people who are earning their living as servants of different classes are voting, and if open voting is resorted to, then these people will not be free to exercise their votes independently. In the case of the Council election, if there was open voting, so many zamindars and the big people would have come to the Council and the people who really represent the masses would never have seen the doors of this representative institution. And it is very natural that the landlords and capitalists may not like ballot voting, because I can quote an illustration of what happened in the Ahmedabad-district. If there was open voting, nobody would have been able to exercise their vote freely, because the zamindars actually threatened the tenant voters that their lands would be taken away from them if they did not vote for the candidates in accordance with the zamindars' wishes. The tenants would thus be prevented from voting for the candidate whom they might choose to elect. It is only under the system of ballot voting that a man really votes for the candidate whom he likes to send to the representative institution. Hence if ballot voting is done away with, it will be nothing but killing the voice of the masses in the Government of the Presidency. The argument brought forward by my honourable friend Sir Vasantarao Dabholkar was that the voters are illiterate and consequently they would make a mess of the whole thing, but I dare say they are not illiterate, they know their minds better, because they will vote independently for the men whom they choose to send. With open voting, where so many sorts of illicit influences and other influences are brought to bear upon the voters, it would be going against the principle of representation on democratic basis. Therefore, ballot voting must be kept and the amendment must be thrown out.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to oppose the amendment moved by my honourable friend for the very same reasons that have been urged by the previous speaker. In the first place, my honourable friend has stated his difficulties in the last election. Such difficulties are bound to be experienced with a new electorate because it was the first time that the right of vote was exercised by the illiterate masses and I am sure, Sir, that after one or two elections go on, they will be educated. The difficulty pointed out by my honourable friend is very simple. He asks how are the masses to know how to vote correctly? At the first election it was certainly a difficult problem as

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they could not be easily instructed how to put so many marks for the candidate whom they would select. In spite of the few difficulties as regards ballot voting there are so many points in favour of it that I think that the balance is in favour of retaining the process as it now exists. Particularly, Sir, I am very glad that the representative of labour has put forward his opposition to this motion, and he puts the correct view, namely, that ballot voting is necessary in order that the voting may be unhampered. It is quite natural that the large millowners and the several capitalists should desire that their employees or tenants should vote as they themselves would like. There is nothing wrong in it. I do not want to attribute motives to them. It would be very natural that they should desire that votes should be given for men whom they like. But we have got to see to the minds of the voters, whether under the circumstances in which they are placed, dependent upon the employers, the landlords, the large mill agents, whether the poor mill hands and other employees would be in a position to resist a demand from their employers, the capitalists, and go against their wishes in regard to voting. In that case so far as these poor persons are concerned, the ballot system is quite essential and I hope that the system which is now prevailing will be continued.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to oppose the amendment. Now two Council elections have already taken place and every member of this honourable House knows that no difficulties were experienced in the elections by ballot. People have become fairly accustomed to that kind of voting. I am not aware if the honourable members of this House know how complicated the voting form of the Bombay municipal corporation election is. In it the voter is required to put in his own name, he has to make initials opposite the name of the candidate for whom he is going to vote. He has to record the number of votes both in words and in figures. It is so very complicated that at the time of voting, in the case of an illiterate voter, either provision is required to be made by the municipality or agents are appointed by the candidates to assist the voter in recording his votes. I may assure this House that the procedure is so very complicated that even educated men commit mistakes. Now, if the ballot system is adopted, the voter can go in and put his marks opposite the symbols of the candidates for whom he is going to vote. There will be absolutely no complication. Another thing is that it will lead to purity of elections. In all municipal corporation elections in Bombay city it is really a very pitiable sight to see; when a voter enters into the voting booth one candidate pulls him on one side and another candidate pulls his on the other, and the voter is really at a great loss as to whom to please and whom to displease, and under mere pressure he votes for that man who exercises the strongest force. Therefore, if you are going to consider the purity of elections, the ballot system is certainly far preferable to open voting system. For these reasons I oppose the amendment that has been brought forward.

Dr. M. B. VELKAR (Bombay City, South) : Sir, I rise to oppose the amendment before the House. To my mind, if you want to preserve the purity of elections, the ballot system ought to be adopted at every election. We have democratised the Bombay municipal corporation, we have widened the franchise, we have fixed ten rupees monthly rental as giving a right of voting to a particular man and by this widened franchise we have enfranchised labouring classes in the Bombay city. As my honourable friend Mr. Nariman pointed out, if the ballot system is not in vogue, employers of labour will be certain to influence the votes of their labourers and purity of elections will not be preserved. As my other honourable friend Mr. Surve pointed out, in canvassing at polling stations a lot of pressure is always exercised upon voters by agents of rival candidates and no purity of elections is possible. One honourable member raised an objection that under the ballot system, as there are many ignorant persons, they will not be able to exercise the right of vote properly. I would point out to him that on ballot papers symbols are put like tigers or umbrellas and certainly there are persons at polling booths who can guide the voters who may be illiterate or ignorant and in this way the people can vote for the candidate whom they like. I wish this House to support the ballot system.

Mr. J. BAPTISTA (Bombay City, North) : Sir, I am in favour of this amendment. It is not a question of the purity of elections. Personally I have come across cases where instead of making three marks only one mark has been made. When the returns were examined after the last municipal elections in about five to ten per cent. votes were bad. I am not quite sure about the figure but, if I am wrong, my honourable friends from the corporation who happen to be here will correct me. But the point is this that the Act makes a provision that the municipal corporation can make bye-laws for regulating elections and therefore the municipal corporation of Bombay will have an opportunity of considering that. If they insist upon having their old system, they can do so but if they think that the changed conditions entitle them or justify them in making a change, they will be able to do so, but therefore so far as the Bombay municipal corporation is concerned, we will not interfere with their wishes but we will give them a full opportunity by the provision of a bye-law to decide whether they will stick to the old system or adopt the ballot system.....

Mr. S. K. BOLE : They have already decided.

Mr. J. BAPTISTA : Mr. Bole says they have already decided. He also says that now labourers will be able to exercise proper choice, but I have come across not labourers but educated men of the highest classes who promise votes to every candidate, who goes to them and ultimately vote for the man they like most. They do not allow themselves to be led away by pressure but exercise their right of vote intelligently and therefore get rid of any pressure that may be exercised. In the case of European countries, there are usually one or two seats or three at the most whereas in Bombay some constituencies have sixteen seats....

Mr. J. C. SWAMINARAYAN : Even eighteen seats can be very well managed.

Mr. J. BAPTISTA : My honourable friend Mr. Swaminarayan says even 18 seats can be very well managed, probably in his own interest.....

Mr. J. C. SWAMINARAYAN : In the Ahmedabad district my experience has been that even in the case of 20 seats villagers do go and exercise their right of vote with great discretion.

Mr. J. BAPTISTA : Probably they were managed by others, but the question really is why should a voter have to put sixteen crosses under the ballot system ? It must be a very difficult thing for men to put sixteen or more crosses. As for the influence supposed to be exercised by landlords or millowners, I know it to be a positive fact that the millowners of Bombay definitely refused to exercise any influence on their millhands. The only people who were able to influence them were probably the doctors who used to attend on the millhands, not the millowners, but the doctors who were probably candidates themselves. The most important point is that it is rather difficult to put sixteen crosses for one constituency. I know that the Bombay municipal corporation is considering the question of splitting the city into additional wards but my point is, don't deprive the Bombay municipal corporation of an opportunity of deciding on this question. They will have full opportunity to consider this matter over again because they have the power of making bye-laws and under that power they can insist upon having a bye-law to their liking. Why should this Council deprive the corporation of that opportunity ? None of us will be prevented, all those who are now here will have an opportunity of advancing their arguments there and they will have fresh materials before them. I would like to point out one particular case. The Bombay municipal corporation recommended that the Commissioner should be appointed by the corporation. They have not recommended that the Commissioner should not be appointed by themselves but by the Government. They have grown wiser with experience. I therefore only ask that this Council should give an opportunity to the Bombay municipal corporation to consider the matter *de novo* just as it pleases and they can do that by accepting this amendment.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Sir, I rise to oppose the amendment moved by my honourable friend Mr. Hoosenally. He said that during the last Council elections voters found difficulty in marking crosses against several candidates. I attended two scrutiny meetings and I found that a very small number of voting papers were rejected. I also remember very well having attended a number of times scrutiny meetings at the corporation hall and I can tell this House that the Municipal Commissioner does find the same difficulty even when people have open voting. Anybody who is acquainted with the election affairs of the Bombay municipal corporation will bear me out that at the election each candidate gets no less than half a dozen agents to work for him and he has a number of friends to assist them and as a matter of course there is the police kept to maintain order because at election

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booths there had occurred certain fights. In the case of Council elections there is nothing of that sort. Hardly one or two agents are allowed to enter the booth and everything goes on smoothly.

My honourable friend says that people find it difficult to find out the symbols. It is high time, then, to ask Government not to give people the right of voting. As a matter of fact the millhands voted freely as they liked and without any persuasion. I am very glad that the President of the corporation has stepped in and said that he wanted open voting. During the discussion on voting by ballot in the corporation my honourable friend the President of the corporation has maintained that open voting was necessary because the members of the corporation should not be afraid of being influenced. If members of the corporation are such people as to be influenced, I ask my honourable friend in all earnestness whether ordinary millhands and tenants will not be influenced by their mill agents and landlords. There is a lot of influence going on in municipal elections and, if we are to maintain free election, I think that we must retain voting by ballot. I oppose this motion for that reason.

Mr. J. BAPTISTA: A personal explanation, Sir. My honourable friend says that I have supported always open voting. It is not so. My view is that when election by the members responsible to their constituents takes place, it should not be done by ballot, as there is no way of knowing how they have done and they cannot be taken to task.

Mr. G. K. MAVALANKAR (Ahmedabad City): I want to speak on this motion, Sir.

The Honourable the PRESIDENT: Does the honourable member wish to say anything new?

Mr. G. K. MAVALANKAR: Yes. Sir, it has already been pointed out that there is a certain amount of evil if the voting is not properly done. Every evil is attended with some good. The amendment moved by my honourable friend is a retrograde step in the path of democracy. I am just coming to the new point.

The Honourable the PRESIDENT: It is high time the honourable member should.

Mr. G. K. MAVALANKAR: The honourable member stated that this matter might have been left to the corporation to decide. I would have had no objection if the corporation had been wholly in the hands of the people's representatives. If we study the psychology of human nature, we shall find that every individual, every society, and everybody in power always desires that it should remain in power and therefore goes on to make arrangements to retain its hold of power. If the present constitution contains a majority of landlords, they will decide in such a way as to secure to them the power permanently. The decision will be according to the constitution of the body. I prefer open voting in the case of people's representatives and vote by ballot in the case of the people themselves. The people's representatives must vote

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openly because they are answerable to the people. When people elect representatives, then the people must have the right to vote by ballot.

Mr. N. E. NAVLE: I move the closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I have already made it clear that I am in favour of voting by ballot. I even introduced a bill to introduce voting by ballot in the Improvement Trust. At the last Council election the Bombay voters were not able to exercise their right of voting. In the non-Mahomedan constituency if they had 3 votes each, they marked one or two and left the rest. In the Corporation election, if each had 10 or 12 votes, how will they exercise their full right of voting? My amendment does not close the door against voting by ballot. You have got the next clause which says:

"The Corporation shall make rules for the manner in which votes are to be given and in particular for the case of illiterate voters...."

The Corporation is at present thinking of increasing the number of wards so that each ward may have from 3 to 4 seats. In that case the voting may be by ballot under the above clause. This amendment of mine does not prevent them at all from having vote by ballot.

As regards the remark of my honourable friend Mr. Hooseinhoy Laljee, it was the old Corporation, and not the present democratic Corporation, that recommended some years ago the amendment of the Act for introducing voting by ballot. In this case the real difficulty is the practical difficulty where voters are not able to exercise their full right of voting. Therefore some time the old system should continue. If however the ballot system is introduced the result will be that the voters will not be able to exercise fully their right of voting and thereby lose some of their votes.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I see from the discussion that there is no difference of opinion with regard to the principle of ballot voting. But the honourable mover of the amendment has pointed out that illiterate voters are unable to exercise their full power of voting. Government's experience in the last two elections in the municipal as well as Council elections has been that people have properly exercised their right and that there have been very few bad votes. This right of voting, not only in the case of Council elections, but even in that of the backward local boards, has been exercised by people properly. The experience in the municipal and local board elections has been satisfactory, and we have received no complaints. On the contrary, everybody is able to vote by ballot. The honourable mover of the amendment told us that there would be some difficulty with regard to the city of Bombay. But when I look at the intelligence of the rural population I am sure that the people in the city are much more intelligent than the people in the rural areas. Further, we should not overlook the fact that in open voting there is a certain amount of undue influence, and it is ballot voting that will allow the

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people to vote as they like, according to their own conscience, without fear or favour. In fact ballot voting is a step forward in the direction of purity of elections, and I consider this amendment a retrograde measure, and I hope this House will throw it out.

Question put and lost.

Mr. HOOLENALLY M. RAHIMTOOLA (Bombay City): Sir, I now beg to move :

In clause 8, add at the end of section 28 (d): " whose name has been communicated to the Assessor and Collector and whose name appears on the roll ".

Sir, at present, individuals, limited companies and private firms are entitled to vote in the municipal elections. An individual, when he is absent from Bombay, or is sick, cannot vote by proxy, while a limited company is allowed to exercise its vote through four different persons. Its secretary, agent, managing director or manager has the right of voting. Why this special privilege should be given to a limited company when it is not given to a private individual, I do not see. I therefore say that the limited company should inform the Assessor and Collector who is going to exercise the right of voting on its behalf and that the name of that person should appear on the electoral roll, and he alone should be entitled to vote on the election day.

Question proposed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, if we refer to section 28 (g) of the present Act, it will be seen that this clause has existed in the Municipal Act for a long time. No complaint has been received about it, and even the Bombay Corporation, to whose recommendations we have given effect in this bill, has not said anything against it. Now, the honourable mover wants to deprive the joint stock companies of this vote. (Mr. Hoosenally M. Rahimtoola: Not their vote.) Now, Sir, the Act as it stands gives the right of voting to the joint stock companies, but my honourable friend says that they should not exercise that right through any of their men unless their name is communicated to the Assessor and Collector and their name appears on the roll. The honourable member should know that the right is given to a joint stock company, and not to its secretary, agent, managing director or manager. Now, these members, through whom the joint stock company can exercise their right of voting, are liable to transfer, sometimes they leave their service or sometimes retire. And the honourable member knows at the same time that the final roll of every municipality is published long before the polling takes place. (An Honourable Member: Two months before.) We cannot say how many of these members of the joint stock companies, the secretary, the manager or the director, may be transferred or may go on leave. My honourable friend wants on the one hand to give them the right: on the other hand he tries to take away that right from them. And besides, Sir, I cannot see the sense of the words " has been communicated to the Assessor and Collector ", when at the same time he wants the name to appear on the roll. It cannot be on the roll unless it has been

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communicated to the Assessor and Collector. I say, Sir, that this is an interference with the legal right which the joint stock companies are given under the law and which they have been exercising for many years. I hope this House will reject this amendment.

Question put and lost.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, the next amendment which I beg to move reads as follows :

In clause 8, section 28 (e) substitute, for the words " or where no such name has been so communicated, from any person who produces to the polling officer a general power-of-attorney from such firm or company ", the words " and whose name appears on the roll ".

Sir, the argument that applied to the previous case applies to this also. A private firm, a limited company or an individual gets the right of vote because it or he pays a rent of Rs. 10 or more. The question is : Why should private firms or joint stock companies get better rights than individuals ? If an individual is out of the city or is sick, he cannot exercise his vote through proxy. Why should, then, companies be allowed to exercise their votes through a number of men ? If one goes out, another man is allowed to vote.

In this particular case, Sir, I am fortified by a resolution of the Corporation, which says :—

" That the second report, dated the 11th January 1924, of the Elections and Procedure Rules Committee, reconstituted by Corporation Resolution No. 2034, dated the 7th June 1923, regarding certain amendments in the Municipal Act, be approved and adopted subject to the following modifications..... "

and the modifications are :—

" Section 28 (e) be so amended as to provide that the names of companies and firms should be entered in the preliminary election roll without any mention being made of the partners thereof but that it should be made incumbent on the partners of the companies and firms resident in Bombay to communicate to the Assessor and Collector for being entered in the final election roll the name of the representative of the company or firm who would be entitled to vote at the elections on behalf of their company or firm. "

So, if it is the desire of Government to accept the recommendation of the Corporation, I hope they will accept this amendment, because this amendment is an amendment of the Corporation itself.

Question proposed.

The Honourable the PRESIDENT : In order that the House may appreciate the amendment, I will read section 28 (e) as proposed to be amended :

" (e) When the name in the ward-roll is that of any company other than a joint-stock company or of a firm, a vote on behalf of such company or firm may be received from any member of such company or firm whose name has been communicated to the Assessor and Collector as the representative of the company or firm who would be entitled to vote at the election on behalf of the company or firm, and whose name appears on the roll. "

Mr. HOOSAINBHAY A. LALLJEE (Bombay City): Sir, I rise to oppose the amendment moved by my honourable friend from Bombay. Sir, this Council has just now thrown out an amendment by which joint stock companies were being handicapped. If this House passes this amendment, it will be nullifying its own decision of a minute ago. Furthermore, in this amendment the honourable mover has tried to take

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only the firms and not joint-stock companies. I do not know why this distinction should be made and I therefore oppose the amendment.

Mr. J. BAPTISTA (Bombay City, North): Sir, I should like to point out the distinction between joint-stock companies and firms. A joint-stock company can go to vote through its secretary and other officers. But in my opinion so far as a firm is concerned it stands more or less on a level with a family. A family has to communicate with the collector and assessor and then they have to state that they will vote through such and such a person and then the family vote through that individual. But a firm is not even able to do so and my honourable friend who just opposed this amendment wants that they should not be enabled to do so. What happens at present is that a firm has to give a power of attorney and the amendment proposed by my honourable friend from Bombay is that they may give that power of attorney to anyone outside the firm. My honourable friend from Bombay Mr. Hooseinbhoj Lalljee has not understood the Municipal Act and he is opposing this amendment. So far as that is concerned what happens to-day when one has got to give a power of attorney? In the old days it was worth 8 annas, now it is 2 rupees. So that really a man has to spend 2 rupees for the purpose of getting a power of attorney and it becomes an expensive job. And I would like Government to consider this point on its merits and to put a firm on a footing with a family. If a firm is anxious to exercise its vote there is no difficulty in communicating the name so far as the firm is concerned and they may send their person and he may not be in Bombay at that time. But there is no reason why there should be any distinction between a firm and a joint-stock company, and I do not know why we should impose greater disabilities upon a firm.

I think it is a reasonable amendment and as it is supported by a resolution of the Corporation, I hope the Honourable Minister will accept this amendment. It does not deprive anyone of his right, and I assure this House that this exercise of right is much better than we can do. At present a man who is able to pay for the power of attorney can spend Rs. 2 or even Rs. 1,000, but a poor man like myself cannot afford to do that. Therefore a poor man should be able to get good votes from the firm and in the interests of the democratic section of this House I think the Honourable Minister will accept the present amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I am sorry that the honourable member from Bombay as well as the honourable member, the President of the Corporation, do not seem to have read the clause. The clause as the mover wants it gives the right of vote to every member of the company or firm provided they communicate the name to the Assessor and Collector. That is what the honourable member, the President of the Corporation, desires, and the section very clearly says that it gives the right to every member of the firm provided they communicate the name to the Assessor and Collector. But we go further and say that, supposing they do not communicate the name, then they can vote through any other representative by a power of attorney,

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and I am sure this House will agree with me that a firm or a company will not give a general power of attorney to every Tom, Dick and Harry unless he is a representative of theirs.

Further, Sir, my point is that here the right is given to a firm or a company. Now it is left to them to exercise their right through anyone of their members or through anyone who holds a general power of attorney. We leave the choice to them. The law gives the right to a company or a firm, and suppose none of the members of that firm are residents of the city of Bombay, they cannot communicate the name and if they do so they can only procure that member at great sacrifice from outside Bombay. If the amendment is accepted, we give the right by one hand and take it away by the other.

Mr. B. G. PAHALAJANI : Sir, I move a closure.

The Honourable the PRESIDENT : I accept the closure and call upon the honourable mover to reply.

Mr. HOOSENALLY M. RAHIMTOOLA : I have nothing to say in reply.

Question put and lost.

Mr. A. N. SURVE (Bombay City, North) : Mr. President, I beg to move :

In clause (8), sub-paragraph (f), omit all the words following the word "may" where it occurs for the first time and substitute the following words in their place :—

"distribute all such votes among the candidates whom he thinks fit by giving one vote only to each of them."

Sir, in my minute of dissent I have stated fully the reasons which have moved me to propose this amendment. Honourable members of this House will appreciate the point when I say that in the Bombay Municipal Corporation every voter has in some wards as many as 16 votes. Take for instance the B ward. It is the largest ward and therefore every voter has 16 votes. When a candidate goes to a voter and persuades him he can take out from him all the 16 votes as the clause at present stands. That is, a voter can give away all his votes to one candidate alone. What happens is this, that the educated minorities who are well-organised thereby secure many votes and thus shut out members representing the uneducated masses. I may just state the present composition of the Corporation. It consists of 106 members of whom 44 are Hindus, 23 are Muhammadans, 24 are Parsis, 7 are Europeans, 6 are Christians and I is a Jew. Now, let us look to the population composition of Bombay city. You will find that the Hindus are nearly 71 per cent. of the entire population, and yet how many Hindu corporators are there ? There are only 42. If proportional representation on population basis was to be taken into account, then the Hindu number of corporators must be something like 72. But the Hindus are illiterate, the percentage of literacy amongst them is only 18 per cent., whereas among Parsis it is about 78 per cent. and in other communities, viz., Christians, Jews and others, it is respectively 53, 44 and 54 per cent. Therefore what happens is this, that on account

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of their illiteracy the Hindus do not obtain even barely sufficient representation let alone the proportional representation. Even among the Hindus it is only the educated classes that come in. Of the 36 elected Hindu members there are 21 Gujaratis and 14 Deccanees, that is, Marathi speaking. Thus you see that the Marathi speaking Hindu population, though it is more than 4 lakhs, really has only 14 representatives by election on the Bombay Municipal Corporation, and that is because the voter can accumulate his votes and give them all to one candidate alone. If you take away that liberty from the voter, what will happen is this, that he will distribute them just as he pleases and thereby other people who do not obtain representation will find an opportunity of getting entrance into the Corporation. As there are no representatives in sufficient numbers from the Hindu community, the grievances of the masses are unattended to. Take, for instance, sanitation, or the lighting or the water-supply. All these municipal amenities are practically denied to the masses and that is due entirely to the Corporation being composed of people from the classes and not from the masses. This honourable House has heard just now that up to the present moment the voting was open, so that any man who has influence can force the voter and make him vote solidly for a particular candidate. Again another point is that in municipal elections carrying the voters by motors or treating them is not prohibited. The result of it is that a rich man can employ many motors and fetch all his voters and make them vote for him. Thus the representatives of the masses are shut out on account of their being poor. Looking to the purity of elections, you will notice that formerly at the election of members by the justices of the peace of Bombay, every elector was required to give one vote to one candidate. In that election cumulation of votes was not allowed. Take another instance, viz., the election of our finance committee. In it also nobody is allowed to cumulate his votes. And why? Simply because it is the duty of the voter that he should elect as many members as he has the right to do. If you allow him to select only one man, he becomes indolent, he does not exercise his franchise and thereby the minorities prevail over the majorities. Now it may be urged, and it is actually urged, that if the voter is allowed the privilege of voting distributively, then the minorities will go to the wall. Let me cite how many members the minorities have. Take, for instance, the Parsi community in Bombay. It numbers only 51,234, and still you will be surprised to hear that in a House of 106 members there are no less than 24 Parsis. Take the Muhammadans. Their strength is 184,715 and still they have 23 members. These figures go to show how badly the Hindus suffer in the matter of representation on the Corporation. But in spite of this state of affairs look at the attitude which Government takes as regards the masses. Yesterday I had asked a question to the Honourable Minister for local self-government, and at that time he told me that in nominating members to the Corporation Government duly take into consideration the claims of the Hindu backward communities which are no less

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than 5 lakhs. Now, out of these five lakhs how many nominated members are there? There are only two. Who are they? One is the honourable member Mr. Nekaljay, but he represents the depressed classes. May I ask the Honourable Minister for local self-government whether he is not aware of the distinction between the backward communities and the depressed classes? When my question was as regards nomination from the backward communities, he says Government have nominated two members, but as a matter of fact, he has nominated only one member and not two members. May I also tell him that in the Corporation immediately preceding the present one there was not a single member nominated from the Hindu backward communities?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: May I ask the honourable member for a minute who for the first time in the history of the Corporation nominated a representative from the backward communities?

Mr. A. N. SURVE: It was during the Honourable Minister's regime, I admit, but it was in consequence of the interpellation in the Council which brought to light the neglect of Government in this matter. Excepting that solitary instance, no member from the Hindu backward communities was ever nominated to the Corporation by Government. To conclude, under cumulation of votes the Hindu backward communities do not at all obtain adequate representation. But if my proposal is accepted, then they will have some hope of coming into the Corporation; otherwise they will be shut out, for a long time to come, if not for ever.

Question proposed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I am very glad that my honourable friend representing the backward communities has changed his views and has to-day for the first time advocated the cause of the Hindus generally. I am glad that he now considers the ordinary Hindu as the representative of the backward communities in whose hands the interests of his community are quite safe, because he advocates as regards the Bombay City Municipal Corporation seats in proportion to the Hindu population of the city of Bombay. But at the same time in the end he says that but for the distributive vote the backward communities will not get proper representation. I also belong to a backward community, though not the same as his, but I will say "Save me from my friends". If the salvation of the backward Maratha community lies in anything, it lies in the cumulative voting under which they can all go (16 or 15 or 14, whatever the number may be) and plump for one candidate. If they are restricted only to one vote, as he desires, I am sure none of them will be returned. I give the honourable member credit for his good intention, but the object with which he has brought the amendment will be frustrated by the distributive vote. Many honourable members complain that Government has not been nominating any member of the backward communities. I think I should get the thanks of the community as I have nominated two in the whole history of the Bombay Municipality,

[Khan Bahadur Shaikh Ghulam Hussain]

one of them belonging to the depressed classes and the other representing other backward communities. But my honourable friend, when it suits him, wants the number of seats on the Bombay Municipal Corporation to be in proportion to the Hindu population. When we nominate a gentleman belonging to the same community but of a different class, he says the nominated member belongs to a different class and he completely disowns him. I think my honourable friend has been blowing hot and cold. I put it to the House, suppose we give the distributive vote, what will happen to his community? I will make bold to say that none of his community will be returned, but he is by his amendment not only doing harm to his own community, but to several other communities also, including my own community, whose salvation lies in cumulative voting with multiple seated constituencies. Otherwise I do not think any Mahomedan will be returned or any Parsi or any member of any other communities will be returned. So, I do not share his views though I share his good intentions.

Again, Sir, he was talking about the millowners and landlords, but I must tell him that where there is a will the bill provides the way. If his community are anxious to vote for their own people, cumulative voting with multiple seated constituencies is the only way by which they can be returned. They have now ballot voting under which millowners or landlords cannot come to know for whom their millhands or tenants have voted. The voters can go and plump for the man they like most. I think the honourable member is doing a disservice to his community by asking for distributive voting, and I am sure honourable members of his own community in this House will oppose his amendment.

SIR VASANTRAO A. DABHOLKAR: I rise to oppose this amendment. The honourable mover ought to have supported the amendment moved by my honourable friend Mr. Hoosenally when he moved for removing the election by ballot, but on that occasion the honourable mover of the present amendment said that the voting should be by ballot. Here, now, he makes a confession that because Hindus are illiterate, that is why 44 Hindus are there on the Corporation when according to the population he expected more. He says that Parsis are 24 out of a population of 50,000. To that, my reply is that the Parsi community is an educated community and that is why they take full advantage of the franchise. If the honourable mover of this amendment had supported the amendment of my friend Mr. Hoosenally, then in that case he would have been able to carry out his object. If this amendment is passed, what will happen? My honourable friend complained that the richer candidates send round their motor cars to fetch voters to polling booths. The poorer candidates can also arrange to get hold of motor cars belonging to richer people and carry their voters to the voting stations and get them to vote by ballot as they like. I think it is to the advantage of backward classes that they can take advantage of richer persons, sit in their cars and vote for the backward classes. If he wanted to take advantage of the full voting and if he wanted a larger majority, he ought to have supported

[Sir Vasantao A. Dabholkar]

the amendment moved by the honourable member Mr. Hoosenally in order to remove the ballot and then his object would have been gained. Under those circumstances I think we should support the original proposition.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to oppose the amendment moved by my honourable friend from Bombay. I am very sorry that in moving his amendment he has shown a little petty-mindedness and a communal prejudice. He proceeds upon a wrong hypothesis from the very start when he begins to calculate the population of the various communities of Bombay city and wants to argue that representation should be in proportion to the population of the respective communities in the city. I thought, Sir, that he at least would adopt an unprejudiced point of view and consider that all the representatives of the city of Bombay in the Bombay municipal corporation represent the rate-payers and it is wrong to think that Hindu members represent only Hindu interests or that Parsi members represent their own community's interests or that an individual Jew member represents the interests of the several Jews residing in the city of Bombay. That is quite a wrong stand for any one to take and I say, Sir, I am sorry that he has advanced this view, it should be the endeavour of every one of us, whether in the Bombay municipal corporation or in this Council, to obliterate communal difference and compartments. Therefore I say that as this amendment is based on this wrong hypothesis I hope no advanced and progressive member of this Council will vote for the amendment before us.

Another argument which I wish to repudiate is that the interests of the masses in the Bombay municipal corporation are not properly looked after because there are not sufficient members representing the backward and depressed classes. I ask, why describe any community as backward or depressed? Why degrade your own community? Why give them a name which puts them on a lower level than other communities? What right has any man to say that a particular community is a backward or a depressed community? It is they themselves who degrade their own position and then come forward and complain that they are suffering under several disabilities and several humiliations? I should have thought that members of those communities would have come forward and resisted any attempts on the part of other communities to class them as backward or depressed. So far as the Bombay municipal corporation is concerned, I can assure this honourable House that all members, whether Hindu or Parsi or Mahomedan, look to the interests of the rate-payers as a whole and in very few instances communal prejudice has been known to exist and that too in matters where the religious feelings or rights of any particular community are affected. So far, Hindu members have respected the religious susceptibilities of the Parsis and the Parsi members have shown regard for the religious feelings of the Mahomedans and *vice versa*, and I do not see any reason why the honourable mover of the amendment should have any fear that the interests of the backward and depressed classes have suffered or are likely to suffer at the hands of the other members of the municipal corporation. This amendment is a very mischievous one and I hope it will be rejected.

Mr. S. K. BOLE : Sir, I am sorry I have to oppose the amendment. I think the honourable mover is labouring under some misapprehension. His amendment will not improve the cause of the backward and depressed classes. This kind of distributive voting was used in the corporation for the election of J. Ps. From my experience I can say that those who belonged to a particular community used to give their votes to the candidates of their own community and destroy all other votes. That is tantamount to cumulative voting. The depressed classes will not be benefitted by this system of distributive voting. Those who belong to the advanced classes would give their vote to a candidate of their choice and destroy all other votes and our backward classes will not be benefitted by this arrangement.

But I disagree with the honourable member Mr. Nariman when he asked : " Why do we call ourselves backward classes ?" What is the use of calling ourselves forward classes ? What is the percentage of our education ? Our percentage is equal to that of the women belonging to the forward classes. Then what is the use of calling ourselves forward ? It is of no use. My honourable friend asks in what way the corporation has neglected the interests of the backward classes ? We have been asking for compulsory primary education for the last so many years. Had there been a strong majority of the representatives of our community we would have introduced compulsory primary education long ago. The corporation has been dilly-dallying with the matter. That is the result of our being not fully represented in the corporation. With these words, I am sorry I have to oppose the amendment.

The Honourable Mr. COWASJI JEHANGIR : Mr. President, I did not propose to take part in the debate until I heard the remark made by my honourable friend who has just sat down that because the number of representatives of the depressed classes is small, their interests have been neglected. I was once a member of the Bombay municipal corporation and it gives me considerable pleasure to endorse every word that has fallen from my honourable friend Mr. Nariman. Never have I seen a public body look after the interests of all classes and communities without distinction so well as the Bombay municipal corporation. In the days when I was a member, a member whether he be a Mahomedan, Hindu or Parsi spoke on and considered questions not as a Mahomedan, Hindu or Parsi, but as a citizen of the city of Bombay. That was the way in which all members of the corporation looked upon their duties—I feel sure that is how they do now. To say that as the majority of the members belong to the richer classes they only look to their own interests is a slander on a body of men who for years have done their work honestly and sincerely in the interests of the poor and with the greatest credit to themselves. Mr. President, you have been a member of the corporation of Bombay. Although you are dumb on the present occasion, you would surely, had you been on these benches, endorsed every word I have uttered. Mr. President, who was it that prevented the corporation of Bombay from bringing compulsory primary education into force ? Was it any one community ? Was it the representative of any one community ?

[Mr. Cowasji Jehangir]

(An honourable member : Government.) Not Government either. Want of money. Was it the Parsi, or European, or Mahomedan that hindered the corporation from having free and compulsory primary education ? My honourable friend means to say that had the representatives of the depressed or backward classes been in a majority in the corporation, they would have overcome the difficulty. (Mr. Bole : Yes.) My honourable friend Mr. Bole is most optimistic and has greater confidence in his own community than, I regret to say, most members of this honourable House. Nobody has prevented it. Circumstances were against the corporation and to urge this as an argument for communal representation in the corporation of the city of Bombay is not fair.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I rise to oppose this amendment moved by my honourable friend. I am a member of the municipal corporation and I endorse every word that has fallen from my honourable friend Mr. Nariman and the Honourable the General Member regarding the corporation. As regards the remarks of my honourable friend, Mr. Bole, the Bombay corporation has not only not retarded giving education to the backward classes, but on the contrary has passed a scheme for giving free and compulsory primary education in the F and G wards which are peopled mainly by millhands and members of the backward classes. The reason why the scheme has not been carried out is that the agreement for financial contribution arrived at with Government during the time when the education portfolio was in charge of a Mahomedan Member is repudiated by a Minister for Education who belongs to the backward Hindu community.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I must congratulate the Honourable Minister for Local Self-Government for the very able defence he has made to the best of his skill. In every municipality there is separate representation for Mahomedans. My honourable friend taking into consideration the intelligence and the state of things in Bombay has not made any provision for separate representation for Mahomedans, so far as the city of Bombay is concerned. Why ? Because the Mahomedan community and other communities can hold their own, and matters have gone so far that there is no necessity felt for a separate electorate for Mahomedans. Let us give that credit to the corporation of Bombay. There is no other municipality in the presidency where presidents are elected from each community by turns. There has been a Parsi president, a Mahomedan has had his chance, and one of these days my honourable friend Mr. Surve also will be elected president.

You, Sir, in this Council in 1901 when the Municipal Bill was before the Council said the only way for the minority to get its safeguard is by means of cumulative voting. If you destroy cumulative voting surely the Mahomedan community will demand separate electorate. Would you like to have that ? (Some honourable members : No, no.)

One more point. In Bombay if there is no trade, if there are not the rich classes and merchant classes, what is Bombay ? The interests

[Moulvi Rafuddin Ahmad]

of the richer classes are very many but there is no doubt that they represent the interests of the backward classes. Who can be a better president than Sir Pherozesha Mehta? Who can be a better president to protect the interests of the depressed classes than you? You deserve thanks, Sir, for having brought forward the question of compulsory and free primary education. As the Honourable the General Member has stated the Parsi community has worked for the backward classes; and the Mahomedan community has worked for the backward classes. It will be doing a disservice to the backward classes, if this amendment is passed.

With these words I support the original motion.

Mr. H. H. NARIELVALA: Sir, I move a closure. (At this stage the Honourable Mr. B. V. JADHAV rose to speak).

The Honourable the PRESIDENT: I will give an opportunity to the Honourable Minister for Education to give a personal explanation.

The Honourable Mr. B. V. JADHAV: Sir, I had no intention of getting up and saying anything on this question, but my honourable friend from Bombay city has made some statements which I think ought not to be allowed to go unchallenged. He has charged me, Sir.....(An honourable member: It is a coincidence).....charged me, Sir, with putting obstacles in the way of allowing the municipality of Bombay to introduce free and compulsory education. I repudiate that charge.

The Honourable the PRESIDENT: I did not accept the closure specially because I wanted to allow the Honourable Minister to offer his explanation. The discussion has drifted considerably beyond the special matter which is under discussion. At present the subject under discussion is whether the municipal election should proceed on the lines of cumulative voting or single voting. All these points are not directly relevant. I allowed the Honourable Minister to make a personal explanation, and I hope he will confine himself to that. I again give him an opportunity.

The Honourable Mr. B. V. JADHAV: Sir, I have simply to say that I repudiate that charge, and as that question is again before Government and the municipality has offered to send a deputation, I shall say nothing about that. I think it would have been much better for my honourable friend to have reserved his remarks till the final decision was taken.

As for communal representation, I think that phrase sometimes stinks into the nostrils of some gentlemen, but I may remind this House that in the Bombay Municipality that communal representation has been allowed for years together, when in the election of the President they have been electing men belonging to different communities in rotation year after year. That is communal representation, pure and simple.

Mr. A. N. SURVE (Bombay City, North): Mr. President, may I just bring to the notice of this House the abuses of cumulative voting?

[Mr. A. N. Surve]

The Honourable Minister for Local Self-Government may perhaps be not knowing the local conditions prevailing in Bombay in respect of elections. (The Honourable Khan Bahadur Shaikh Ghulam Hussain : I am not worthy to be a Minister then). May I then just ask him if there has been a single election in the B ward which was not contested ? The B ward is a very notorious ward. There you will find dead men walking out of their graves for voting.....

The Honourable the PRESIDENT : It may interest the honourable member to know that in the B ward under the principle of cumulative voting, Mr. R. M. Sayani, an ex-member of the Imperial Legislative Council and of the Bombay Legislative Council, was defeated at a general election to the Bombay Corporation by a candidate of a backward community.

Mr. A. N. SURVE : Sir, I was bringing to the notice of this House the abuses of the system of voting. When the Honourable the Minister for Local Self-Government has charged me with deserting the interests of the depressed classes, whom I have not the honour to represent in this House, and although I represent only the backward communities, may I just remind the Honourable Minister and also bring to the notice of this honourable House that I have given notice of a bill in which I as a member of the backward communities have made ample provision not only for the backward communities but for the depressed classes also. So far as I am concerned, I do not make any distinction between the depressed and the backward communities in the matter of obtaining privileges for them ; but when this House is led to believe that the backward communities have secured ample representation by putting up a member of the depressed community to swell the number of members of the backward community, it has become my duty to point out the facts in their true light to this House. The Honourable Minister has given me the advice that our salvation lies in having cumulative voting. I beg to differ from him. I consider that it is doing us harm and the figures that I have given, bear me out. Coming to the remarks of the Honourable nominated member from Bombay to my left ; he has stated that the voters may come in rich men's motors and vote for the poor men. Let me tell him that we Hindus, poor and backward we may be, but we are honest men and that we will never do what he suggests—let the voting be by ballot or in an open manner. Certainly we are not dishonest people. When once our word is given we stick to it. Then the Honourable the General Member has stated that the minority has been ever vigilant of the interests of the majority. I thank him for that. But may I just ask him one question ? If the interests of the majority are being protected by the minority members why Government itself has adopted the principle of reservation ? May I just point out to him that in the school boards under the Primary Education Act, women, minorities and depressed classes are given reservation ? Why is that done ? The reason is that members of other communities can never know from first hand knowledge what the

[Mr. A. N. Surve]

grievances of these classes are. Therefore, if you want that the interests of the majority should be protected you must not allow cumulative voting. With these words I resume my seat.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: In view of the remark of my honourable friend that only one member has been nominated from the backward communities I may state, Sir, that I do not distinguish depressed classes from the backward classes. Again, he said that Hindus are generally honest so far as voting goes. What has that to do with this question? As regards the argument that Government has reserved certain seats for the backward communities on the school boards, Government did so because they found that the backward communities did not get on the school boards. But what has been our experience of the city of Bombay municipal elections in the past? The backward communities have been returned. (Mr. A. N. Surve: How many?) And if they are organised, they can capture almost all the seats. If they are not organised, the fault is theirs. It is for leaders like my honourable friend (Mr. A. N. Surve) to organise them. It does not require a great deal of education. With ballot voting, all your fears about undue influence are taken away, and people may vote as they like and for anybody. I am afraid the amendment of the honourable member will only do harm to the community instead of doing any good.

Question put and amendment declared lost.

Mr. A. N. SURVE: Sir, I claim a division.

The Honourable the PRESIDENT: I am bound to accept the demand for a division, but the discretion rests with me as to the manner in which I should take that division. On this occasion I will ask honourable members to rise in their seats. We have got to save the time of the House.

Division taken by members rising in their seats.

Ayes: 1; Noes, a large number. Motion lost.

Clause 8 ordered to stand part of the bill.

Clause 9 (*new section 29 of Bombay III of 1888*) ordered to stand part of the bill.

Clause 10 (*repeal of section 30A of Bombay III of 1888*) ordered to stand part of the bill.

Clause 11 (*new section 31A of Bombay III of 1888*) ordered to stand part of the bill.

Clause 12 (*amendment of section 83 of Bombay III of 1888*) ordered to stand part of the bill.

Clause 13 (*new section 38A and 38B in Bombay III of 1888*).

After section 38 of the said Act the following sections shall be inserted, namely:—

“38A. (1) The Corporation may from time to time appoint, out of their own body, Special Committees and may by specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting delegate any of their powers and duties to such Committees, and may also by a like resolution define the sphere of

Special Committees of the Corporation.

business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such Committee's recommendation.

(2) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(3) The Corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any Special Committee.

(4) Every Special Committee shall appoint two of their number to be their Chairman and Deputy Chairman :

Provided that no member shall, at the same time, be the Chairman of more than one Special Committee.

(5) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present shall choose one of their number to preside over their meeting.

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation :

Provided that any Special Committee may by a resolution supported by at least one half of the whole number of members of the Committee direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of their proceedings by the Corporation, if the Committee consider that serious inconvenience would result from delay in taking such action ; but if the Corporation do not confirm the proceedings of the Special Committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable :

Provided also that, if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one half of the whole number of members of the Committee.

(7) The Corporation may make rules for regulating the constitution of Special Committees and the conduct of business at meetings of such Committees, and for the keeping of minutes and the submission of reports.

38B. (1) The Standing Committee may, from time to time, by a resolution carried by a vote of at least two-thirds of their members present at the meeting delegate to any special committee appointed under section 38-A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the Standing Committee in this behalf :

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I beg to move :

In clause 13 Add the following new clause as Section 38-A (8) :-

"The Corporation may whenever they think fit and necessary resolve to pay every member of a Special Committee appointed under this section a fee of not less than ten rupees and not more than fifteen rupees for each meeting of the said committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof : Provided that not more than two fees shall be paid to any member for his attendance in one calendar month in respect of the meetings of one Special Committee and that no member shall be paid fees for attendance at more than two special Committees."

Sir, the corporation committee meetings are called in two ways : one is after the corporation meeting and the other is on non-corporation days. Our experience has been that whenever corporation committee meetings are called after the corporation meetings, members of the corporation who are members of the committee attend the meeting at the

[Mr. Hoosenally M. Rahimtoola]

beginning but gradually they leave, and at the end when the vote is taken the number of members present is hardly half of what it was in the beginning. But on non-corporation meeting days when a committee meeting is called many times it has been found that hardly one-fifth of the members of the committee are present, and very often these committee meetings have to be postponed for want of quorum. Now we are substituting special committees to whom the corporation will delegate some of their powers and to ensure full attendance some sort of improvement is necessary. In this connection I may mention that the retrenchment advisor of the corporation has recommended that fees should be paid to the members of the committees. This recommendation has been mentioned in his report and it is stated in this report that this recommendation is in accordance with the decision of the Committee, *i.e.*, the Retrenchment Advisory Committee. I therefore move this amendment and I hope the House will accept it.

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to oppose the amendment moved by my honourable friend from Bombay and I may say, Sir, that I have opposed all payments wherever they are provided for members who come forward to do public service, because to my mind remuneration in public service degrades that service. I had brought a resolution in the corporation to abolish the fees that are now paid to standing committee members, because I do not understand why, when once you decide to make payment to one body in public institutions, should you confine that payment only to certain committees such as the standing committee and why should it not be paid to all members of the corporation who sacrifice their private and public work and attend its meetings? Also why not make payment to several members of the various committees? There are dozens of committees such as the school committee, the sanitary committee, and so on, and I do not understand why only should the standing committee be favoured with this payment of the fee. I may at once point out that there have been glorious examples of public men of high civil spirit who have refused to accept payment although law has made provision for their remuneration. It has been on record Sir, that the late Sir Pherozeshah Mehta and Mr. Dadabai Naoroji and Dr. Blaney have refused to accept payment for their public service, and there have been several other instances of the kind, and I really hope that the House will not pass a recommendation of this nature which to my mind degrades public service. If as my honourable friend points out that there are not sufficient members who are public spirited enough to sacrifice their time for public business, then they have no business to be on these bodies.

And what is the remuneration? Rs. 10 and Rs. 15. Does my honourable friend suggest that these members who are not inclined to work for whatever reason that may be, will be induced to sit for an hour or two for the receipt of Rs. 10 or 15? I could understand, if the honourable member had made some provision if these committees had to make some

[Mr. K. F. Nariman]

executive work of attending to the complaints of the public or if any provision is made to meet out of pocket expenses for carriage and conveyance hire, such sort of expenditure might have been excusable. But the amendment as it is proposed will I hope not be accepted by this House.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support the amendment and for this reason. I think that we have democratised the Bombay corporation and as democracy advances the poorer but all the same a competent element will be coming to the corporation and it is highly advisable to pay all the poor members for the discharge of their public duties as you would be weaning them away from their daily work giving them their daily bread. It is all very well to talk of patriotism but all the same you must take the facts as they are. In England members of the House of Commons are paid monthly fees and I think the time is fast approaching when the corporation will be more and more democratised and when this fee system will have to be introduced.

Mr. S. K. BOLE: Sir, I rise to oppose the amendment. It has been just now said how the forward classes are watching the interest of the backward classes. This is an instance, Sir. I have seen persons who are members of the Standing Committee being present at the meeting of the Standing Committee because there they get a fee of Rs. 30 per meeting, and there they make it a point to attend the meeting from the beginning to the end, because if they go earlier, they will not be able to get the fee. Then what happens in the corporation meeting is this. These very people who attend the Standing Committee put in an appearance in the corporation for five minutes or so and walk out. That is a sort of thing that is happening in the corporation meetings. That is not the case with the members of the backward classes. From my experience I can say that those few members of the backward classes who are there are always particular to attend because they have got the interests of their classes at heart. And here many of the others are only for show, for honour's sake. No doubt they spend at the time of election—at least some of them—Rs. 10,000 or so because they have got much money to spend and it is for honour's sake they do that, not for work's sake. I hope the House will throw out this amendment.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, it is all very well for my honourable friend to say that there should be no payment. But what has been our practical experience? The corporation has recently passed a resolution that any member who does not attend three meetings of a committee ceases to be a member of that committee. Since then at every agenda of the corporation the Secretary reports that two or three members have ceased to be members of some committees because they had not attended three meetings, and my honourable friend (Mr. Nariman) is one of such members.

What is our experience, Sir, as regards the schools committee and the standing committee? In the standing committee where members are paid fees there is full attendance and members make it a point to come

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in time and sit the whole time. In the schools committee, though it is a statutory committee and very important committee, members do not make it a point to attend and even when they do attend, they do not attend all the time, they come in the middle and go away. To avoid all these things and to get full work done in the committees, specially as these new committees are to be delegated powers of the corporation, it is desirable that payment should be made.

Mr. K. F. NARIMAN (Bombay City, South): I rise to a personal explanation, Sir. My absence in the committee meetings was due to my attendance in this honourable House, which compelled me to be away from the corporation meetings. Therefore, I was not able to attend there.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I am very sorry at the sad picture that has been drawn of the civic spirit of the city fathers by the honourable member from Bombay. He says they do not properly discharge their civic duties and run away from the meetings, and if they are paid Rs. 10 they will sit from beginning to end and attend all the meetings. That means, Sir, their labour is not for love but for lucre. I think we will be encouraging a mercenary spirit in the civic fathers of the city of Bombay, which is, Sir, the first municipality in the whole of the presidency. I hope, this honourable House will not encourage such a spirit on the part of the civic fathers of the city of Bombay by accepting this amendment.

Then, Sir, I look at this question from another point of view. This is, Sir, a very mischievous principle that we are introducing by this amendment, because we will not encourage real citizenship in Bombay, as everybody will like to be appointed for getting money. Each one may feel "I am a member of a committee for which a certain amount is paid, therefore, I must attend the meeting"; otherwise each one will try not to attend to their duties. Secondly, Sir, we ought to be very jealous about the money of the rate payers. The rate payers elect members to go to the meetings to do their duty; they do not elect them for the purpose of receiving payment. I think if the rate payers were to come to know that their representatives will not do their duty properly on the corporation unless they are paid, I am sure they will never elect them again. I therefore trust this House will throw out this amendment.

Question put and lost.

Clause 13 ordered to stand part of the bill.

Clause 14 (Amendment of section 54 of Bom. III of 1888): —

"To sub-section (2) of section 54 of the said Act, the following proviso shall be added, namely,

"Provided that when the Commissioner holds a lien on the service of Government, he shall not, during the period of his appointment as Commissioner, be removed from office without the approval of the Corporation."

Mr. K. F. NARIMAN (Bombay City, South): Sir, the amendment which I wish to move to clause 14 reads as follows:—

[Mr. K. F. Nariman]

"Delete Clause 14 of the Bill and substitute the following—

Clause 14 of the Bill. Delete whole of section 54 of the said Act and substitute the following—

Section 54 (1) "Subject to the confirmation by the Governor in Council, the Corporation Amendment of Section 54, shall from time to time appoint the Municipal Commissioner Bom. III of 1888. for the City of Bombay for a renewable period of three years."

(2) "But he shall be forthwith removed from office, if at a meeting of the Corporation, not less than three-fourths of the Councillors present shall vote in favour of proposition in this behalf."

This matter has been considered for over five years by the Bombay municipal corporation. The Honourable Minister in charge of the bill must have noticed that I have repeatedly to-day this evening supported him as against various amendments moved by my honourable friends on this side and I expect a suitable response from the Honourable Minister in charge of Local Self-government, I do not expect him to accept this amendment but at least to soften his opposition as much as he can. This matter I consider to be the most important part of the bill. I frankly admit that if this amendment is not carried, to my mind the other amendments are so minor and trivial that I will not consider the present Act amended at all. As I said, however, this question has been under the consideration of the Bombay municipal corporation for the last five years and more. I do not know if it was also considered before that period but so far as I understand this matter was first considered in the municipal corporation of the city of Bombay in the year 1919-20 at which time a resolution was passed by a committee composed of members of the corporation. The resolution reads as follows:—

"22nd June 1920. The committee of the corporation recognises that in making appointments to any posts in the municipality the Commissioner should give preference to Indian candidates provided that their qualifications, training and experience are not less than those of non-Indian candidates and the appointment of the Municipal Commissioner and all appointments in the municipality carrying a salary of Rs. 500 or more should be vested in the corporation on the lines of the appointments of the Executive Health Officer, Executive Engineer, Hydraulic Engineer, and the President be requested to address Government for an amendment of the Bombay City Municipal Act accordingly."

This proposition contains two matters, the first is the indianization of local services and the second is the transfer of the power of appointment made from time to time. This matter was considered by the committee and I may mention, Sir, that amongst the corporators who very vehemently supported this proposition, the most prominent member was Mr. (now Sir) V. A. Dabholkar, who was the first to sign this committee's report, amongst others being Mr. J. B. Petit (who is often quoted by the Honourable Members of Government and I hope his opinions on this occasion will also carry weight), Sir Dinshaw Petit, Mr. N. M. Joshi, Mr. H. P. Mody, and several others including even Dr. Sukhia. I mean by that we all know that Dr. Sukhia is a reactionary against any progress of this kind and that he does not recommend anything unless he fully considers that the matter is worth his recommendation and that he is of a very pessimistic turn of mind and he too vehemently urged that this proposition should be carried. I am now talking of the year 1920, five years ago, and the most extraordinary phenomena in connection with this was that the letter asking Government to carry out

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this recommendation is signed by my honourable friend Mr. V. A. (now Sir Vasantao) Dabholkar. The letter reads as follows:—

“ To

The Secretary to Government,
General Department.

Sir,

I have the honour, by the desire of the municipal corporation of Bombay, to submit for the consideration of Government that the Corporation are of opinion that the time has arrived.....

(Sir Vasantao thought in 1920 that the time had arrived) when the power of appointing the Municipal Commissioner for the city of Bombay should be vested in the Corporation, and I would request that Government should be pleased to undertake legislation for an amendment of the Municipal Act accordingly.”

This letter is dated 23rd August 1920. There were two recommendations as I have already said, one was the transfer of the power of appointment of all officers over Rs. 500 and the other was the transfer of the power of appointment of the Municipal Commissioner also. I should have thought that the first recommendation included the second, that all appointments over Rs. 500 should be made by the corporation and the Municipal Commissioner's pay being over Rs. 500, under the first clause that a appointment should also go to the corporation, but strangely and curiously enough Government accepted the first part of the recommendation and accordingly brought in an amendment of the Act, section 80A, which now gives that power to the corporation in the following words:—

“The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary, exclusive of allowances, is or exceeds Rs. 500 shall vest in the corporation.”

That was the new section, the new amendment of the Act introduced according to the recommendation of the corporation. At that time I should have thought, Sir, that that clause nullifies the other section which still retains the power of appointing the Municipal Commissioner with the Government because the new amendment in question says that the power of appointments *over* Rs. 500 shall vest in the corporation. I should like this point to be made clearer, whether legally, as it stands to-day, under section 80A the power does not already vest in the corporation of appointing the Municipal Commissioner because he is an officer of the corporation getting a salary of over Rs. 500 and section 80A says that all officers on such salary shall be appointed by the corporation. Still this clause has been worked in a manner so as to exclude the appointment of the Municipal Commissioner. And what was the reply of Government to that recommendation? The Government say:

“With reference to your letter No.—dated the 23rd August 1920 (signed by Mr. V. A. Dabholkar) regarding the proposal that the City of Bombay Municipal Act, 1888, section 80A, should be amended so as to vest the power of appointing the Municipal Commissioner in the corporation, I am directed to state that Government have decided to postpone the consideration of the question till the introduction of the Reforms.”

Even that contingency has passed and yet nothing has been done. On the contrary, in order to fence the question and delay the issue, the

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Government ask for further particulars from the corporation and address a letter asking the corporation to state their reasons why they want this power to be transferred from the Government to the corporation and the corporation sent that letter to a committee. They appointed a committee to consider the letter and draft a reply and a draft reply was accordingly made and forwarded to the Government. This is the letter in which the corporation give their cogent reasons why this power should be transferred :—

“ With reference to previous correspondence and your letter No. 1599 dated the 12th February 1921 regarding a proposal to amend the City of Bombay Municipal Act so as to vest in the corporation the power of appointing the Municipal Commissioner, I have the honour, by desire of the municipal corporation of Bombay, to submit that the Corporation consider the proposed amendment desirable and necessary on the following grounds :—

(1) The Municipal Commissioner being the Chief Executive Officer of the Municipality is responsible to the corporation and it is but just that the corporation should have the right of appointing him. This right on the part of the corporation appointing the municipal commissioner was long overdue, and the introduction of the Reforms and the enlargement of the municipal franchise, whereby the corporation is placed on a democratic basis, emphasize the necessity for vesting the power of appointing the municipal commissioner in the hands of the municipal corporation, and a continuance in the hands of Government of the power of appointing the municipal commissioner is not in consonance with the spirit of the Reforms recently introduced and the question should be reconsidered.

(2) The selection of the commissioner by the elected representatives of the people will be the means of removing all causes of friction between the corporation and its chief executive officer and the municipal commissioner, so appointed, would possess their confidence in a greater measure than he does at present.

(3) Owing to the exigencies of Government service the municipal commissioners are often removed from the municipal service as soon as they have acquired sufficient experience and such transfers militate greatly against the efficiency of the municipal administration. It should be therefore to the advantage of the corporation to retain the municipal commissioner as long as it likes. It should be left to the democratic body as the present Bombay corporation to appoint its own executive officer and it takes away very greatly from their prestige if such officers were appointed by another authority. The power of appointing an executive officer drawing Rs. 500 and upwards is already vested in the corporation and time has arrived when the power of appointing the chief executive officer should also be vested in the corporation.”

This letter was addressed on the 15th of May 1924. I may also state that among the prominent members who started this view since 1920 I find the name of the Honourable Mr. C. V. Mehta. He was then a member of the corporation and I regret that he is not here to-day, as otherwise he would have maintained the position that he took up then. In the corporation he was a strong advocate of it. I hope the honourable member who occupies his seat now as a citizen of that great city will carry out the intentions which he would have carried out if he had been here.

After the 15th May 1924, we have had several amending bills introduced in this Council by Government for carrying out minor changes in the provisions of the Act. I am sorry to say that this important matter which was considered times without number by the corporation since June 1920 and about which numerous letters were addressed to Government who promised to consider at the time they introduce an amending bill has been altogether left out from the successive amending bills introduced by them. The Government even promised to consider any

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amendment to the clause that will be moved at the time they introduce the bill. According to that undertaking, I moved an amendment in the select committee, but I am sorry to say that it was lost by one vote.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Was it lost by one vote ?

Mr. K. F. NARIMAN : I stand subject to correction. This is a matter which has been repeatedly represented to Government by the corporation and demanded by successive presidents, and prominent members, some of whom are at present members of Government. I do not know what the attitude of the Honourable the General Member was, but I am sure he must have been in favour of it as I do not see anything to the contrary.

I want to point out to the honourable House that, so far as the municipal corporation is concerned, the whole position is entirely reversed. Somehow they have taken a somersault. The matter which has been considered for five years, repeatedly demanded and insisted upon, has been reversed. When I placed this amendment before them, they hurriedly considered the question and in a jump—it was very ill-fated—reversed the position and said that the corporation does not want the power of appointing the Commissioner and that it should vest in the Government as it is not under the present circumstances advisable to do so (Hear, hear). Honourable members cry “hear hear”, but that is a matter upon which I am ashamed as a member of the corporation. I feel great regret that such a decision should have been arrived at even under the presidency of a democratic president like my honourable friend Mr. Baptista.

The Honourable the PRESIDENT : The honourable member does not seem to realise the value of the time of the House. He reads lots of letters stating what a member stated five or ten years ago. Why should he not justify the question on its merits ? The best course for the honourable member is to show on merits why he claims that the corporation should be given the power of appointing the Municipal Commissioner.

Mr. K. F. NARIMAN : I am sorry if I have unnecessarily taken up the time of the House. I thought that the opinions of the president of the corporation would weigh with the members of this honourable House.

The Honourable the PRESIDENT : Surely, the honourable member could have put these opinions in his own language which is certainly not inferior to the language used by the corporation.

Mr. K. F. NARIMAN : I thank you for the compliment, Sir.

The Honourable the PRESIDENT : My appeal is that as there is such a large amount of work for this session it would be advisable for every honourable member either to abstain from speaking if he does not consider it necessary, or to curtail his remarks to the very minimum possible.

Mr. K. F. NARIMAN : I quite appreciate your point, Sir. I ask for some indulgence in this matter because I consider this to be a very important one from the point of view of the ratepayers of Bombay....

The Honourable the PRESIDENT : No one realises the importance of the subject more than myself. Why should not the honourable member attack the subject and deal with it on its merits ?

Mr. K. F. NARIMAN : Now the president of the corporation is present in the House and he may make much of the fact that the corporation has passed a resolution reversing their former resolution.

The Honourable the PRESIDENT : Will the honourable member take half an hour more ?

Mr. K. F. NARIMAN : I believe I will not take more than 15 minutes.

The Honourable the PRESIDENT : The House is now adjourned to two o'clock to-morrow, Wednesday, the 22nd July 1925.

Wednesday, the 22nd July 1925.

The Council re-assembled at the Council Hall, Poona, on Wednesday the 22nd July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
 ABDULPURKAR, Mr. N. A.
 ABERCROMBIE, Mr. J. R.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFIUDDIN
 ATHAVLE, Mr. S. N.
 BAPTISTA, Mr. J.
 BARLEE, Mr. K. W.
 BEDREKAR, Khan Bahadur I. M.
 BHOPATKAR, Mr. L. B.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 CHAUDHARI, Mr. L. S.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DEHLAVI, the Honourable Mr. A. M. K.
 DELVES, Mr. R. H. A.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DIXIT, Dr. M. K.
 FERNANDEZ, Dr. COSMAS
 FRAMJI, Mr. K. S.
 GHOSAL, Mr. J.
 GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
 GRANTHAM, Mr. V. A.
 GUNJAL, Mr. N. R.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HATCH, Mr. G. W.
 HAYWARD, the Honourable Sir MAURICE
 HEPPER, Sir LAWLESS
 HOTSON, Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JATOI, Khan Saheb KARIMBAKSH
 JAYAKAR, Mr. M. R.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.

JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KAMBLI, Mr. S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHRO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LALJI NARANJI, Mr.
 LALJEE, Mr. HOOSEINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MADAN, Mr. J. A.
 MALJI, Rao Bahadur A. U.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PRADHAI THAKERSI, Mr.
 RAJOLLA, Mr. HOUSENALLY M.
 R. H. D.
 R. C. M.
 R. S. A.
 RULAM NABI SHAH
 MUHAMMAD KAMIL SHAH
 R. D.
 R. G.

SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. O.
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

FIRST CLASS HONORARY MAGISTRATE, POONA CANTONMENT.

Mr. K. F. NARIMAN (Bombay City, South) : Will Government be pleased to state—

(a) whether it is a fact that the first class honorary magistrate, Poona cantonment, is a retired gentleman from the Commissariat department ?

(b) what qualifications are necessary for the post ?

(c) whether he possesses these qualifications ?

The Honourable Sir MAURICE HAYWARD : (a) In the affirmative.

(b) and (c) He possesses the qualifications referred to in the reply given at the last February sessions to the honourable member.*

Mr. K. F. NARIMAN : Is there any age limit applicable to the honorary magistrates as for stipendiary magistrates ?

The Honourable Sir MAURICE HAYWARD : No.

Mr. K. F. NARIMAN : Why not ?

Mr. W. S. MUKADAM : Is it because the work is honorary ?

The Honourable Sir MAURICE HAYWARD : What limit is proposed by the honourable member ?

Mr. K. F. NARIMAN : The same limit as is applicable to stipendiary magistrates.

The Honourable Sir MAURICE HAYWARD : Why ?

Mr. K. F. NARIMAN : Why not ?

The Honourable the PRESIDENT : Order, order. There cannot be cross-questioning like this. The Government benches are required to either answer the supplementary questions or not.

Mr. K. F. NARIMAN : Why is the age limit fixed for stipendiary magistrates ?

(No answer.)

* Vide Vol. XIV, page 1035.

SPECIAL ALLOWANCE TO TALUKA SCHOOL HEAD MASTERS.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(a) whether any special allowance is given to taluka school head masters for extra work;

(b) if so, in what division of the presidency it is given at present;

(c) if it is not given in all the divisions do they intend to extend it to the excluded divisions?

The Honourable Mr. B. V. JADHAV: (a) No.

(b) and (c) In view of the reply given to (a) above these questions do not now arise.

RAILWAY THEFTS IN AHMEDABAD RAILWAY YARD.

* Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) (i) The number of railway thefts detected in the Ahmedabad railway yard from June to December 1924?

(ii) The number of watchmen convicted for such thefts in the year 1924?

(iii) The nature of the precautions taken to prevent further thefts?

(iv) The number and nature of cases in which goods were found from the houses of the watchmen or their confederates?

(b) Do Government propose to take any steps to remove the dual control in such matters of the railway police and the Watch and Ward Department?

The Honourable Sir MAURICE HAYWARD: (a) (i) and (ii) One out of three thefts was by a watchman.

(iii) Stricter exclusion of outsiders and increase in the watch and ward staff.

(iv) The one case related to four brass bowls valued at Rs. 2 found in a search in the watchman's house.

(b) There is no dual control. The guarding of goods is done entirely by the Watch and Ward Staff, and the investigation of thefts by the Police.

Mr. G. I. PATEL: When the guarding of the goods and the investigation of thefts are put under different authorities, how is the control uniform?

The Honourable Sir MAURICE HAYWARD: The staffs are different.

Mr. G. I. PATEL: Is there not then dual control?

The Honourable Sir MAURICE HAYWARD: Yes. To that extent.

*This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

PENSIONERS IN THE SUBORDINATE INDIAN SERVICE.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(1) (a) The total number of pensioners in the Subordinate Indian Services as defined in the Civil Service Regulations ?

(b) The number of those drawing monthly pensions above Rs. 50, Rs. 100 and below Rs. 50 ?

(2) The total amount required annually for the grant of temporary increments to pensioners drawing Rs. 44 and under as sanctioned by the India Government's Resolution No. 55-C.S.R., dated 14th January 1921 (Financial Department) for three years and further continued by the Government Resolution Nos. 1898, dated 21st December 1923 and 1898, dated 14th October 1924 (Financial Department).

The Honourable Mr. H. S. LAWRENCE: (1) (a) The term "Subordinate Indian Service" is not specifically defined in the Civil Service Regulations. The total number of pensioners of services other than All-India or Provincial services is 18,814.

(b) The number of those drawing above Rs. 50, above Rs. 100 and under Rs. 50 is 1,010, 248 and 17,556 respectively.

(2) The total amount required annually for the grant of temporary increase to pensioners drawing Rs. 44 and under as sanctioned by the Government of India Resolution No. 55, Civil Service Regulations, dated 14th January 1921 and continued by subsequent Resolutions of the Government of Bombay is about Rs. 6,00,000.

The figures refer to pensions chargeable to Central Revenues as well as to those chargeable to Provincial Revenues in so far as they are paid in the Bombay presidency.

Mr. G. I. PATEL: With reference to the last four lines, how much of this six lakhs is chargeable to the provincial revenues ?

The Honourable Mr. H. S. LAWRENCE: I ask for notice of this question.

STATEMENT OF DISBURSEMENT BY THE DEVELOPMENT
DIRECTORATE.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the Council table a statement of the disbursement of rupees four lakhs allotted to the Bombay Suburban Development Scheme and rupees seventeen and three-quarter lakhs utilised to make up the difference between the economic and the actual rents of the Development Directorate chawls in the year 1923-24 from the amount of duty received from raw cotton imported into Bombay City ?

The Honourable Mr. COWASJI JEHangIR: A statement* furnishing the information is appended.

*Vide Appendix No. 40.

Mr. G. I. PATEL: With regard to item No. 1 in the appendix, Rs. 3,55,469, how is this charge made on the fund?

The Honourable Mr. COWASJI JEIANGIR: I presume this loan was raised for building the chawls.

Mr. G. I. PATEL: Is interest charged to the fund in calculating the economic rent?

The Honourable Mr. COWASJI JEIANGIR: (Inaudible).

Mr. G. I. PATEL: Item No. 3, why is interest charged at 7 per cent. on Rs. 92,00,000 and at 3½ per cent. on Rs. 88,50,441?

The Honourable Mr. COWASJI JEIANGIR: I would like to have notice of that.

Mr. G. I. PATEL: Item No. 4 (Interest and depreciation charges, etc.) Rs. 87,269. At what rates are these depreciation charges calculated?

The Honourable Mr. COWASJI JEIANGIR: I ask for notice of that.

Mr. G. I. PATEL: Is not this method of calculating the charges contrary to the original intention when the cotton cess was levied?

The Honourable Mr. COWASJI JEIANGIR: I ask for notice of that.

Mr. G. I. PATEL: Does the Honourable Member believe all these manifold capital charges to be the difference between the economic rent and the actual rent?

The Honourable Mr. COWASJI JEIANGIR: No.

Mr. LALJI NARANJI: Is this not against the undertaking that the Government gave when the cotton cess was levied for the Development Department?

The Honourable Mr. COWASJI JEIANGIR: No.

Mr. LALJI NARANJI: May I refer the honourable member to the speech of his predecessor?

The Honourable Mr. COWASJI JEIANGIR: Will the honourable member please quote that speech? I still maintain the answer is in the negative.

Mr. G. I. PATEL: With reference to the free grants, may I know on what principles these grants are charged to this particular account?

The Honourable Mr. COWASJI JEIANGIR: I would like to have notice to explain that.

ENCOURAGEMENT TO INDIAN ART.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether they have approached the Government of India in connection with the Prix de Delhi scheme for the encouragement to Indian Art suggested at the Wembley Conference?

(b) Will Government be pleased to state whether the Government of India have invited their opinion on the alternative scheme presented by the Government of India during a recent session of the Council of State ?

The Honourable Mr. B. V. JADHAV : (a) Government are considering the question of addressing the Government of India in the matter.

(b) The reply is in the negative.

Mr. M. R. JAYAKAR : Will Government give a chance to public opinion to be consulted before addressing the Government of India ?

The Honourable Mr. B. V. JADHAV : There is no objection.

URAN WATER WORKS.

Mr. M. B. POWAR (Kolaba District) : (a) Will Government be pleased to state whether any sum was sanctioned for the water-works of Uran in the Kolaba district in the budget of 1924-25 ?

(b) If so, will Government be pleased to state whether the water-works have been commenced during this year ; if not, when do they intend to commence them ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) A sum of Rs. 1,40,700 (in 3½ per cent. Government paper) was donated privately and the balance of the cost of the project, viz., Rs. 45,022 was sanctioned by Government as a grant-in-aid.

(b) The information is being obtained.

PROPOSALS FOR BRIDGING THE NAGOTHTNA-DHARAMTAR CREEK.

Mr. M. B. POWAR (Kolaba District) : Will Government be pleased to state if it is a fact that there are two suggestions before them for bridging the Nagothna-Dharamtar Creek either near Nagothna or Dharamtar in the Kolaba district ; if so, do they intend to accept either suggestion ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes ; the matter is under consideration.

Mr. G. B. PRADHAN : May I know what time Government will take to arrive at a decision ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The honourable member knows that it is a question of finance, but it will be disposed of as early as possible.

DISPOSAL OF BAMBOO, BUNDI, ETC.

* Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether they are aware that the old practice of taking fees and allowing bamboo, bundi, etc., to be cut by the villagers for betel

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

leaves plantation and for fencing plantain plantations has been discontinued in Bassein and Mahim talukas in the Thana district and the bamboos, bundis, etc., are sold by public auction to outside merchants;

(b) that such discontinuance causes enormous hardship to the cultivators?

The Honourable Mr. A. M. K. DEHLAVI: (a) The old practice of taking fees and allowing bamboo, bundi, etc., to be cut by villagers for betel leaf plantations and for fencing plantain plantations has not been discontinued either in Bassein or Mahim in open forest areas where the practice existed. The system of auctioning bamboos, etc., was introduced only in respect of closed areas, to which the permit system was not applicable; and therefore the new practice is not an encroachment on the existing privileges.

(b) Does not arise.

Mr. G. B. PRADHAN: Did not Government allow bamboo, bundhi, etc., to be cut from the forests for these plantations from the closed areas?

The Honourable Mr. A. M. K. DEHLAVI: No.

REPLACEMENT OF STONES BY AGRICULTURISTS.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Are Government aware of the great hardship to which agriculturists are put owing to the proclamation compelling them to pay for the replacement of stones every twelve years and the inordinately heavy prices which are claimed for those stones? Do Government intend to take any steps to remove this hardship?

The Honourable Mr. LALUBHAI SAMALDAS: No. The stones have only to be replaced by Government when they are not maintained by the agriculturists and then only at cost price.

Mr. G. B. PRADHAN: May I know if Government give notice to the khatedars before replacing these stones?

The Honourable Mr. LALUBHAI SAMALDAS: If the honourable member wishes to see a copy of the resolution on the subject it will be supplied to him.

SOUTH AFRICAN COAL FOR SUKKUR BARRAGE.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether a contract for one year has been given for South African coal to be supplied for the Sukkur Barrage;

(b) what is the total amount of the coal and the price which Government will have to pay for it for the year;

(c) whether Indian coal was not available; if it was available, what was the reason for not purchasing it, and why was preference given to South African coal;

(d) who the officer responsible for giving such a contract is and what are the rules about the devolution of such powers ?

The Honourable Mr. COWASJI JEHangIR : (a) and (b) A contract has been made for 22,000 tons of Transvaal coal for one year at a flat rate of Rs. 25 per ton F.O.R. Karachi.

(c) Indian coal was available, but Transvaal coal was given preference as the quality, price and conditions on which it was offered were found more favourable than any other class of coal and it was recommended by the Chief Controller of Stores.

(d) The Chief Engineer, Lloyd Barrage and Canals Construction, who has been so empowered under paragraph 457 (b) of the Public Works Department Code (tenth edition).

Mr. G. B. PRADHAN : Will the Honourable the General Member place on the Council table a copy of the rules by which large contracts were given by the Chief Engineer without consulting him ?

The Honourable Mr. COWASJI JEHangIR : Copy of the Public Works Department Code is in the Council Library.

Mr. G. B. PRADHAN : What are the limitations of the power of the Chief Engineer ?

The Honourable Mr. COWASJI JEHangIR : I would ask the honourable member to consult the Code.

Mr. K. F. NARIMAN : Will not the Honourable the General Member enlighten the House on the subject ?

The Honourable Mr. COWASJI JEHangIR : I would much rather leave the honourable members to consult the Code.

Mr. K. F. NARIMAN : Is the Honourable the General Member not aware of his own powers and of the limitations on the powers of the Chief Engineer ?

The Honourable Mr. COWASJI JEHangIR : We are aware of our own powers, but we do not trust our memory while replying to supplementary questions.

Mr. M. R. JAYAKAR : I take it that the Honourable the General Member does not know at this moment what are the limitations on the powers of the Chief Engineer in giving these contracts.

The Honourable Mr. COWASJI JEHangIR : When I am dealing with figures I do not trust my memory in giving supplementary answers, but I may say that if the honourable member consults the Code, he can find out the figures for himself.

Mr. G. B. PRADHAN : Does not the Chief Engineer inform the Honourable the General Member when a contract is given ?

The Honourable Mr. COWASJI JEHangIR : Yes.

Mr. M. R. JAYAKAR : Was the Honourable Member informed of this contract before it was given ?

The Honourable Mr. COWASJI JEHangIR: No.

Mr. W. S. MUKADAM: Was it before or after it was given?

The Honourable Mr. COWASJI JEHangIR: I have already informed the House that I knew of it after it was given.

Mr. L. B. BHOPATKAR: Will you please explain what is meant by a flat rate?

The Honourable Mr. COWASJI JEHangIR: An all round rate of 25.

Mr. L. B. BHOPATKAR: So "flat" means "round." (Laughter).

The Honourable Mr. COWASJI JEHangIR: These are technical terms and if the honourable member does not understand them he may refer to the dictionary.

Mr. G. I. PATEL: Is no Indian coal equal to South African coal?

The Honourable Mr. COWASJI JEHangIR: No such statement has ever been made.

Mr. K. F. NARIMAN: Is the Honourable Member aware of the undertaking given to this House that no more contracts will be given to the South African coal companies?

The Honourable Mr. COWASJI JEHangIR: The contract we are talking about was before the debate to which the honourable member is referring.

Mr. K. F. NARIMAN: Is the Honourable Member aware of the undertaking given during the last debate, namely that no future contracts will be placed for South African coal?

The Honourable Mr. COWASJI JEHangIR: I would refer my honourable friend to the debate.

Mr. W. S. MUKADAM: In view of that debate will the Honourable Member see the advisability of altering the rules in the Code giving power to the Chief Engineer to place these contracts?

The Honourable Mr. COWASJI JEHangIR: It rests with the Government of India to amend the Code.

The Honourable the PRESIDENT: This question was debated at great length and all these issues formed part of that discussion. I do not think more time of the House should be allowed to be taken on a question in regard to which all the information is available to the House in the debates. Next question.

REPLACEMENT OF STONES UNDER DAGADPAHANI ORDERS.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether they are aware of the hardship which is caused by the Dagadpahani orders which are issued every 12 years and the fanciful rates which are charged for replacing such stones;

(b) whether they are aware that oftentimes the price of such stones in *varkas* land is more than the price of the land itself ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) The honourable member is referred to the answer to his question on the subject of replacement of stones by agriculturists given today.

(b) No.

NYAHADI POLICE OUTPOST.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Are Government aware of the great hardship and the risk to which the neighbouring villagers are put owing to the abolition of the Nyahadi police outpost in Murbad taluka ?

The Honourable Sir MAURICE HAYWARD : Government are informed that no instance exists up to now on the records of the office of the District Superintendent of Police, Thana, to show that the neighbouring villagers of the police outpost in question have been put to any hardship or risk since its abolition as a measure of retrenchment in 1922. The crime figures for the past five years of the area under this outpost are reported to be :—

Year.					Number of cases of crimes.
1920	..	..	..	..	1
1921	..	..	..	..	1
1922	..	..	..	..	3
1923	..	..	..	..	1
1924	..	..	..	..	1

They would not justify the reopening of the outpost.

CITY SURVEY IN IGATPURI.

Mr. R. G. PRADHAN (Nasik District) : With reference to my question regarding the cost of city survey in Igatpuri and the reply given thereto (*vide* Council Debates, Volume XIII, Part II, page 198), will the Honourable the Revenue Member be pleased to state whether the excess amount of Rs. 160-9-4 has been refunded to the people concerned ?

The Honourable Mr. LALUBHAI SAMALDAS : No. The amount involved is very small (Rs. 160) and it does not seem worth while to make the refund to the many people concerned, as very minute calculations would be necessary.

Mr. R. G. PRADHAN : Is it difficult to make these calculations ?

The Honourable Mr. LALUBHAI SAMALDAS : No, not difficult.

Mr. R. G. PRADHAN : Is the action of the Government in withholding the refund of the amount not illegal ?

The Honourable Mr. LALUBHAI SAMALDAS : Not illegal. The villagers have not asked for the refund.

Mr. R. G. PRADHAN : Why should not the money be refunded, even though the villagers may not have asked for it ?

The Honourable Mr. LALUBHAI SAMALDAS: I shall consider the question if there is a demand for refund.

The Honourable the PRESIDENT: These are hypothetical questions.

ALLOWANCE TO TALUKA SCHOOL MASTERS.

Mr. R. G. PRADHAN (Nasik District): (a) Will Government be pleased to state whether it is a fact that whereas some taluka school masters are given extra allowance, others are not?

(b) If so, why is this discrimination made?

The Honourable Mr. B. V. JADHAV: (a) No allowance for taluka work is given in the whole of the Presidency. Owing to some misunderstanding an allowance of Rs. 3 per month was given for some time to all taluka masters in Sind only without proper sanction. It was however discontinued as soon as the fact was disclosed.

(b) In view of the circumstances explained above, the question does not now arise.

INCREMENT OF SALARY TO SUPERINTENDENTS OF SALT AND EXCISE.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state why all the second grade superintendents of salt and excise were not given an increase in their pay, in accordance with the revised scheme sanctioned in August 1921?

The Honourable Mr. A. M. K. DEHLAVI: Before the introduction of the revised scheme there were three appointments of first grade superintendents on Rs. 1,000 and three of second grade superintendents on Rs. 800. In the revised scheme there were two appointments on Rs. 1,100 in the first grade and three on Rs. 1,000 in the second grade. As only two of the superintendents in the existing first grade could be provided for in the revised first grade the third officer was placed in the revised second grade. There were thus only two posts in the revised second grade which could be given to the superintendents in the existing second grade. All the three superintendents in the latter grade could not therefore be provided in the revised grade.

COMPARATIVE STATEMENT ABOUT SUBURBAN DIVISION REGARDING POPULATION, ETC.

* Mr. PUNJABHAI THAKERSI (Bombay City, North): (a) Will Government be pleased to lay a comparative statement on the table showing the area, population and the number of villages in the district of Thana and the Suburban district respectively and the strength and the pay of revenue and police officers and subordinates in these two districts?

(b) What has been the increase in the total number of such officers in those districts since the separation of the two districts?

* This question was asked at the meeting held in July 1924, when an *ad interim* reply was given.

(c) What is the reason for the increase ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) A statement† containing the necessary information is placed on the Council table.

(b) There has been no increase in the strength of the Thana district. The increase in the strength of the Bombay Suburban district is as follows :—

7 Revenue Officers,
3 Police Officers.

(c) Increase in population, and activities of the Development Department.

TRAINED URDU TEACHERS.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) whether their attention has been drawn to the resolution of the 37th annual session of the All-India Muslim Educational Conference held last December in Bombay regarding the Ahmedabad and Poona training institutions ?

(b) If so, are Government aware of the great want of trained Urdu teachers ?

(c) If so, do Government intend to take any measures ?

The Honourable Mr. B. V. JADHAV: (a) Yes.

(b) and (c) Government are aware of this need, and steps have been taken to ensure an adequate supply of trained teachers.

MOULVI RAFIUDDIN AHMAD: May I ask the Honourable Minister for the contents of that resolution ?

The Honourable Mr. B. V. JADHAV: If the honourable member will give me notice, I can find that out for him.

MOULVI RAFIUDDIN AHMAD: May I ask, Sir, if measures are being taken to ensure an adequate supply of trained teachers ? Is the department increasing any scholarships ?

The Honourable Mr. B. V. JADHAV: The department has been maintaining several central schools, and two Urdu training colleges.

MOULVI RAFIUDDIN AHMAD: My question is whether you are increasing the number of stipends in the training institutions ?

The Honourable Mr. B. V. JADHAV: We have done it already.

PRIMARY SCHOOL AT INGLI, BELGAUM DISTRICT.

*Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(a) whether it is a fact that the primary school at Ingli in the Chikodi taluka of the Belgaum district had to be closed on account of plague in the last year ;

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

† *Vide* Appendix No. 41

(b) whether after the re-opening of the school the number of assistant masters which was working in that school previous to the plague was reduced though the number of boys attending the school had nearly remained the same ;

(c) whether it is a fact that after several representations Kanarese assistants were allotted to this school though the language of the school was mainly Marathi ?

The Honourable Mr. B. V. JADHAV : (a) Yes.

(b) The two Marathi assistants, who were drafted elsewhere soon after the school was closed, could not be reverted simultaneously. The delay in reverting one of them was due to the fact that the attendance in the school to which he had been drafted did not permit of his being reverted earlier.

(c) Pending the reversion of one of the two Marathi assistants, as stated in (b) above, a Kanarese hand had to be given as no Marathi hand was available at the time. This Kanarese assistant has since been replaced by a Marathi assistant.

Mr. R. G. SOMAN : Has this Kanarese assistant been replaced only during the current month ?

The Honourable Mr. B. V. JADHAV : I cannot say off-hand in what month he was replaced.

Mr. R. G. SOMAN : Is the Honourable Minister aware that the school has 125 students learning Marathi ?

The Honourable Mr. B. V. JADHAV : Yes.

REGISTRATION OFFICE AT PATAN.

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state—

(a) whether any complaints were made by people in some parts of the Patan taluka about the inconvenience caused to them on account of the registration office being at Patan a long distance off ?

(b) whether Government intend to take any steps to redress the grievance ?

The Honourable Mr. A. M. K. DEHLAVI : (a) No complaints have been received.

(b) Does not arise.

Mr. D. R. PATIL : Am I to understand from answer to question (a) that no complaints have been received by any public officer ?

The Honourable Mr. A. M. K. DEHLAVI : I do not know as to whether any complaints were received by the lower officers, but none came to us.

Mr. D. R. PATIL : Directly.

The Honourable Mr. A. M. K. DEHLAVI : Or indirectly.

GRIEVANCES OF MENIALS IN THE JUDICIAL AND REVENUE DEPARTMENTS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(a) whether Government have received certain applications during the last two years from menial servants in the judicial and revenue departments from any districts in the presidency asking for the redress of their grievances such as granting them privilege leave and the necessity of their being treated equally with other Government servants so as to bring them under the ordinary pension rules, etc. ?

(b) If so, do Government intend to take any steps in the matter ?

The Honourable Mr. H. S. LAWRENCE: (a) No applications from menials for redress of their grievances in respect of grant of privilege leave have been received. Petitions from menials in two districts only for increase in pension have been received.

(b) Government awaits the issue of the revised Pension Rules, under which it will be empowered to make rules with regard to the grant of pensions to Government servants in inferior service.

Mr. P. G. JOSHI: May I know whether the Bombay Government has moved the Government of India in this matter referred to in (b) ?

The Honourable Mr. H. S. LAWRENCE: The revision of the pension rules is being considered.

Mr. K. F. NARIMAN: Has the Government given effect to the resolution passed by the honourable House in the Bombay sessions of the Council to give an increase in the salary of the peons in the Government offices ?

The Honourable Mr. H. S. LAWRENCE: It seems to me that that question does not relate to this matter of pensions.

ALLEGATIONS AGAINST MR. NIMBKAR.

* **Mr. A. N. SURVE (Bombay City, North):** Will Government be pleased to state whether—

(a) it is a fact that the Mahomedans made an application on 20th November 1922 to the Collector of Ratnagiri against Mr. Nimbkar, Chairman of Rajapur Notified Area Committee ?

(b) it is a fact that Mr. Nimbkar admitted the allegations made by Mahomedans in their application to the Collector on 20th November 1922 in the course of the proceedings of the meeting of the municipal committee from 25th to 29th of December 1922 ?

(c) it is a fact that the High Court of Bombay in an appeal criticised the conduct of Mr. Nimbkar at the time when he was working as mamlatdar of the Vengurla taluka ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:
(a) Yes.

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

(b) No.

(c) Yes.

Mr. D.R. PATIL : Have the Government of Bombay taken Mr. Nimbkar to task because the High Court of Bombay criticised his conduct? Mr. Nimbkar acted as mamlatdar of Vengurla taluka and his conduct was criticised by the High Court of Bombay in some appeal. So in the light of that criticism have the Government taken him to task?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The Honourable Member in charge of the Revenue Department deals with mamlatdars.

MOULVI RAFI UDDIN AHMED : May I ask the Honourable Minister whether any action was taken by him with regard to (a)? It is stated in (a) that an application was made to the Collector of Ratnagiri; after that, did the Honourable Minister take any action about it?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Nothing has come to Government about it; how can I take any action in the matter?

RETRENCHMENT IN THE SOUTHERN DIVISION.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) the number of Government posts abolished in consequence of retrenchment in the Southern Division?

(b) of the persons thus dismissed, how many were Brahmans, and how many non-Brahmans?

(c) of the persons who were transferred to other departments as the result of the abolition of the posts they held, how many were Brahmans, and how many non-Brahmans?

The Honourable Mr. H. S. LAWRENCE : A statement* giving the necessary information is placed on the Council table.

RESERVATION OF SEATS IN THE BOMBAY MUNICIPAL CORPORATION.

Mr. A. N. SURVE (Bombay City, North): (a) Are Government aware that the subject of reserving seats for the Hindu backward communities was discussed in the Bombay Municipal Corporation?

(b) Will they be pleased to state what was the result of the discussion?

(c) How many councillors from the Hindu backward communities are there in the present Corporation, who are elected, co-opted, and nominated by Government?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) Yes.

(b) The Corporation have decided that the reservation of seats for any communities is not desirable especially in view of the fact that the Municipal Act has been recently amended extending the franchise under which a large number of persons for whom seats are sought to be reserved.

* Vide Appendix No. 42.

have been enfranchised enabling them to send their own representatives on the Corporation.

(c) There are in all seven councillors from the Hindu backward communities in the present Corporation. Of these 5 are elected and 2 nominated by Government.

Mr. A. N. SURVE: With reference to part (c) of the answer, will the Honourable Minister kindly name the five elected councillors?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I am sorry I do not remember the names. I will get you the information if you like, if you give me notice.

Mr. A. N. SURVE: With reference to the same part, the answer is not given as regards the co-opted members.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: It seems there are none co-opted.

COLLECTION OF IRRIGATION DUES IN SOUTH DASKROI.

*Mr. J. C. SWAMINARAYAN (Ahmedabad District): (a) Will Government be pleased to state whether they are aware that during the current year the irrigation dues of years 1921-22 and 1922-23 are being recovered from the cultivators of rice villages of South Daskroi?

(b) Will Government be pleased to state whether they are aware that rice crops have failed in the said villages during the last three years successively and that the state of the crops in the year 1923-24 necessitated the remission or suspension of ordinary revenue in most of those villages?

The Honourable Mr. COWASJI JEHANGIR: (a) Yes. Irrigation dues from the cultivators of rice villages of South Daskroi for the years 1921-22 and 1922-23 are being recovered as they are outstanding owing to the late receipt of the demand statements by the revenue authorities. In recovering them lenient treatment is being shown until the crop prospects are known.

(b) No. The rice crops in the villages have not failed during the years 1921-22, 1922-23 and 1923-24 successively. In the year 1923-24 remission or suspension of ordinary land revenue was given.

Mr. G. K. MAVALANKAR: When it is stated in the answer that the rice crop did not fail, then what was the necessity for allowing remission or suspension of ordinary land revenue?

The Honourable Mr. COWASJI JEHANGIR: Where is it stated that the remission was allowed?

Mr. G. K. MAVALANKAR: In the answer it is already stated that the answer is in the affirmative, that the old irrigation dues are being recovered at present. That means they were suspended and remissions were allowed; while in the answer to (b) it is stated that the rice crops did not fail and that in the year 1923-24 remission or suspension was given. How can you reconcile these statements?

* This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

The Honourable Mr. COWASJI JEHLANGIR : I ask for notice.

Mr. G. I. PATEL : With reference to reply to (b), will Government be pleased to place on the Council table the reports or papers relating to this matter ?

The Honourable Mr. COWASJI JEHLANGIR : I require notice for that.

Mr. J. C. SWAMINARAYAN : Had not the rice crops failed in the year in which orders for recoveries of long-standing dues were issued ?

The Honourable Mr. COWASJI JEHLANGIR : I require notice for that.

THE MODASSA KAPADWANJ RAILWAY.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state when the work of constructing the Modassa Kapadwanj Railway will be commenced ?

The Honourable Mr. LALUBHAI SAMALDAS : In view of the revised orders issued by the Government of India in Railway Board's Resolution No. 2131-F, dated 19th February 1925, regarding the financing of branch lines (a copy of which is placed on the Council table) there is no immediate prospect of the Modassa extension being taken in hand in the near future. The whole position as to the several branch lines proposed throughout the presidency is being examined with a view to determining what action should be taken to secure the early construction of those which are urgently required.

Mr. H. H. NARIELVALA : Will Government be pleased to place on the Council table the report in question ?

The Honourable Mr. LALUBHAI SAMALDAS : There was no report.

Rao Saheb D. P. DESAI : By whom was it examined ?

The Honourable Mr. LALUBHAI SAMALDAS : By the Bombay Government.

Mr. H. H. NARIELVALA : Would the decision be placed on the table ?

The Honourable Mr. LALUBHAI SAMALDAS : I will try to do so if the papers not confidential.

GOVERNMENT MEADOWS IN MODASSA MAHAL.

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

(a) whether they had given the contract of Government grass lands in the Modassa mahal of the Ahmedabad district for the five years 1922—27 and whether they have further extended the same for five years 1927—32 ?

(b) if so, will they be pleased to state what the terms of the contract are ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) A copy of the original lease* embodying the terms of the contract is placed on the Council table.

Mr. J. C. SWAMINARAYAN: Why was the original lease extended so early when that lease was to expire in 1927?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

GOVERNMENT MEADOWS IN MODASSA MAHAL.

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

(i) how much grass was supplied to the cultivators at contract rates in the famine year 1923-24?

(ii) whether any complaints were made to the Collector of Ahmedabad as regards the sale of the stipulated amount of grass from the reserve to the cultivators in the famine year?

(iii) whether it is a fact that the policy of Government of giving the monopoly of Government grass lands has increased the price of grass in ordinary years and famine years?

The Honourable Mr. LALUBHAI SAMALDAS: (i) 1,04,500 lbs.

(ii) No.

(iii) No.

Mr. J. C. SWAMINARAYAN: Will Government be pleased to make enquiries as to whether complaints were actually received or not?

The Honourable Mr. LALUBHAI SAMALDAS: I will be glad to make further enquiries.

PRIVATE PRACTICE BY MEDICAL OFFICERS OF CIVIL HOSPITAL AND B. J. MEDICAL SCHOOL.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (a) Will Government be pleased to state whether it is a fact that the medical officers of the Civil Hospital and B. J. Medical School, Ahmedabad, carry on regular private practice and keep their own dispensaries?

(b) If so, will Government be pleased to state whether such practice is consistent with the Government Servants Conduct Rules?

The Honourable Mr. B. V. JADHAV: (a) The following medical officers attached to the Civil Hospital and B. J. Medical School, Ahmedabad, carry on regular private practice and keep their own dispensaries:—

1. Mr. T. J. Chhaya, L.M. & S., Teacher, B. J. Medical School, B.M.S. Ahmedabad.
2. Mr. R. M. Fozdar, L.M. & S., Do. do. B.M.S.
3. Miss M. N. Tankariwala, Woman Assistant Surgeon, Civil Hospital, Ahmedabad. L.M. & S., B.M.S.

(b) Yes.

ALLOWANCE TO TALUKA SCHOOL MASTERS.

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

(a) whether taluka school masters get allowance for their work, in any area of the presidency?

(b) if so, will they be pleased to state what that area is ?

(c) will they be pleased to state why such an allowance is not granted to the taluka school masters of the whole presidency ?

The Honourable Mr. B. V. JADHAV : (a) and (b) Attention of the honourable member is invited to the reply given at the present session to a similar question on the subject by the honourable member for the Nasik District.

(c) In view of the fact that the administration and control of local board schools would be handed over to local authorities under the Primary Education Bill which was then under consideration and which has since been passed by the Legislative Council, it was decided in November 1923 to drop for the time being the question of the grant of an allowance to taluka school masters.

LAND FROM MEHLOL ESTATE.

* The THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : (a) Will Government be pleased to state whether it is a fact that they have given permission under section 31 of the Gujarat Talukdars Act to give a certain area of land from the Mehlool estate to a private gentleman for garden or for experimental purposes ?

(b) Was it for the benefit of the estate ?

(c) Did the talukdar consent to it ?

(d) Who negotiated the transaction ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) The estate of Mehlool is managed under the Court of Wards Act and not under the Gujarat Talukdars Act, so section 31 of the latter Act does not apply. As the land was not leased for a specific period, the Collector of the Panch Mahals did not obtain Government sanction.

(b) Yes.

(c) Yes.

(d) Final orders were passed by the Prant Officer with the approval of the Collector.

The THAKOR OF KERWADA : The Manager of Court of Wards requires sanction of the Government. I want to know whether sanction of the Government was obtained by the Collector.

The Honourable Mr. LALUBHAI SAMALDAS : As I have already said in the reply, as the land was not leased for a specific period, the sanction of Government was not obtained.

MAINTENANCE OF ROADS IN THE NORTHERN AND SOUTHERN DIVISIONS.

* The THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Will Government be pleased to place on the Council table a statement showing the mileage of roads in the Northern and Southern Divisions

* This question was asked at the meeting held in February-March 1925 when an *ad interim* reply was given.

and the cost of maintaining them with any additional grant given in the last five years ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The statement* appended furnishes the information required.

RULES UNDER THE PRIMARY EDUCATION ACT.

The THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : (a) Will Government be pleased to state whether any protests have been made by municipalities and local boards against the rules under the Bombay Primary Education Act, 1923 ?

(b) If so, do Government propose to take any action on them ?

The Honourable Mr. B. V. JADHAV : (a) Yes.

(b) As the criticisms and suggestions received in response to the preliminary notification publishing the rules in question were duly considered before the rules were issued finally, Government do not propose to take any action on the protests referred to.

AGRICULTURAL DEPARTMENT FARMS.

† Dr. M. B. VELKAR (Bombay City, South) : Will Government be pleased to give the following information regarding farms controlled by the Agriculture Department :—

- (1) Name of the village.
- (2) Taluka and district.
- (3) Farm or sub-farm.
- (4) Subject of investigation.

The Honourable Mr. A. M. K. DEHLAVI : A statement ‡ containing the information is placed on the Council table.

CONTRACTS IN THE SUKKUR BARRAGE SCHEME.

Dr. M. B. VELKAR (Bombay City, South) : Will Government be pleased to lay on the Council table, the names of the contractors, to whom contracts of the amount of Rs. 25,000 and above have been given with the amounts of contracts in each case in the Sukkur Barrage.

The Honourable Mr. COWASJI JEHANGIR : The attention of the honourable member for the Bombay City, South, is invited to the reply given at the first session of 1925 to a similar question put by Mr. W. S. Mukadam, the honourable member for the Panch Mahals district §. A list|| showing such further contracts given and the names of the contractors is placed on the Council table.

* Vide Appendix No. 44.

† This question was asked at the meeting held in February-March 1925 when an ad interim reply was given.

‡ Vide Appendix No. 45.

§ Vide Vol. XIV, page 217.

|| Vide Appendix No. 46.

MATERNITY HOME AT ALIBAG.

Dr. M. B. VELKAR (Bombay City): Will Government be pleased to place on the Council table a list of the amounts collected by each mamlatdar in his taluka, giving separate details as to the total amounts collected by contributions below Rs. 10, Rs. 25, Rs. 100, Rs. 500 and Rs. 1,000 and also the total amount of the said fund actually collected and promised so far?

The Honourable Mr. B. V. JADHAV: As no talukwar record has been made it is not possible to give exact taluka figures, but approximately the sum remitted by the talukas is as follows:—

					Rs.
Panvel	..	..	..	..	8,000
Alibag	..	..	..	..	8,000
Mangaon	..	..	..	..	6,000
Roha	..	..	..	..	5,000
Mahad	..	..	..	..	5,000
Pen	..	..	..	..	3,500
Karjat	..	..	..	..	3,000

In each taluka a group of gentlemen has collected for the hospital, with or without the assistance of the mamlatdar, and remitted the sums thus collected through the mamlatdar. Similarly the sums collected at public meetings and at theatrical performances have also been remitted through the mamlatdar. The total sum thus collected amounts to Rs. 52,000. This includes the following:—

			Rs.	Rs.
Gifts exceeding	..	..	1,000	17,500
Gifts exceeding	..	..	100	11,000
Gifts below	..	..	10	1,600

The minimum subscription entitling to membership of the Kolaba Maternity Association is Rs. 12. It is not possible to ascertain what sums have been promised.

MATERNITY HOME AT ALIBAG.

Dr. M. B. VELKAR (Bombay City, South): (a) Will Government be pleased to state whether it is a fact that they have promised to lend a Government building for the use of the maternity home contemplated by Mr. Abbot?

(b) If the answer to the above is in the affirmative, will they be pleased to lay on the Council table a copy of the terms on which the said building is proposed to be so lent?

The Honourable Mr. B. V. JADHAV: (a) The vacant Public Works Department office building has been lent to the Maternity Association.

(b) The terms are—

(i) the association shall be responsible for repairs of the building but shall not pay rent, these repairs to be under the supervision of the Public Works Department.

(ii) Government will give the association three months' notice should it require the building.

MATERNITY HOME AT ALIBAG.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to place on the Council table a list of the donations sanctioned by the district local board and the several municipalities in the Kolaba district for the Alibag Maternity Home?

The Honourable Mr. B. V. JADHAV: The donations by the local bodies are as follows:—

	Per annum.
	Rs.
District Local Board, Kolaba	1,000
Alibag Municipality	300
Roha Municipality	200
Panvel Municipality	360

EMANUEL TRAVELLING DISPENSARY.

Dr. M. B. VELKAR (Bombay City, South): (a) Will Government be pleased to state whether any amount of the fund collected by Mr. and Mrs. Emanuel while Mr. Emanuel was Collector in the Kolaba district about the year 1910 for a travelling dispensary under a lady doctor or nurse is lying idle for a number of years in the Government treasury or in the Imperial Bank?

(b) If the answer to the above is in the affirmative, will Government be pleased to state what the total amount with interest is at present and what do Government propose to do with the same?

The Honourable Mr. B. V. JADHAV: (a) and (b) No funds collected by Mr. and Mrs. Emanuel are lying in any bank or treasury.

EDITOR OF THE "KOLABA SAMACHAR".

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(a) whether their attention has been drawn to the account of an interview between the Collector and the Editor of the *Kolaba Samachar* of Pen published in the issue of the *Kolaba Samachar* of 20th December 1924?

(b) whether it is a fact that the Collector of Kolaba after calling the editor of a respectable newspaper for an interview scolded him with a threat of prosecution?

The Honourable Sir MAURICE HAYWARD: (a) In the affirmative.

(b) In the negative.

LANDING AND WHARFAGE FUND COMMITTEE.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state what is the estimated cost of dredging the Dharamtar and Ulwa creeks?

The Honourable Mr. LALUBHAI SAMALDAS: No estimate has been prepared for dredging the two creeks.

Dr. M. B. VELKAR: In view of the fact that the creek has made it impossible for steamers to go up to Dharamtar, will Government be pleased to examine the question?

The Honourable Mr. LALUBHAI SAMALDAS: I will have it gone into.

MOTOR CAR STAND OPPOSITE THE ISLAM AND HINDU GYMKHANAS.

Dr. M. B. VELKAR (Bombay City, South): (1) Will Government be pleased to state whether they are aware (a) that the Commissioner of Police, Bombay City, has prohibited motor cars standing on that portion of Queens Road which is opposite to the Islam and Hindu Gymkhanas;

(b) that the motor cars of the members of the above gymkhanas are, in consequence, now pushed on to the Princess Street, nearly half a mile distant from the said gymkhanas;

(c) that on account of (a) and (b) above, many of the members of the said gymkhanas are subjected to great inconvenience and hardship; and

(d) that the Commissioner of Police has disregarded the representations made to him in this matter?

(2) Will Government be pleased to state whether they are aware (a) that motor cars are allowed to stand on the Queens Road in front of the French Motor Car Company;

(b) that petrol pumping points are constructed along Queens Road and in consequence, cars are always found waiting around them blocking the road; and

(c) that motor cars are allowed to stand on either side of Churchgate Street, a street only as broad as Queens Road, and that,

(d) generally, cars are allowed to stand in very crowded business streets such as Abdul Rehman Street, Medow Street, and others?

The Honourable Sir MAURICE HAYWARD: (1) (a), (b), (c) and (d) In the affirmative.

The reasons are those stated in reply to the similar question put by the honourable member for Poona City this day.

(2) (a), (b), (c) and (d) Cars are allowed to stand in various streets to suit the convenience of the business and shopping public where traffic is slow and passengers are being perpetually taken up and set down and also at petrol pumps for sufficient time to obtain the required supplies of petrol.

HOUSE BUILDING ADVANCE GRANTED BY THE BOMBAY IMPROVEMENT TRUST.

Dr. M. B. VELKAR (Bombay City, South): (1) Will Government be pleased to state—

(a) whether an advance of Rs. 12,000 free of interest was granted by the Bombay Improvement Trust Board out of their funds to their acting secretary and chief accountant, for house building;

(b) whether they are aware of the opinion of the solicitors of the Trust that the Improvement Trust Board have no power to make valid advances to their employees out of the Trust funds for house building ?

(c) whether they are further aware that the opinion of the solicitors of the Trust was not reported to the Board, even though it was received before the officer in question drew the advance ;

(d) whether they are aware that the provisions of the Civil Service Regulations regarding grant and recovery of advances for house building have not been complied with in this case, and that the whole amount of Rs. 12,000 was drawn in a lump, no security being taken ?

(2) If the answer to a, b, c and d above is in the affirmative, will Government be pleased to state whether they propose to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Yes.

(b) Yes.

(c) Yes. The opinion of the solicitors was given in another case.

(d) Yes. But the advance was made in one lump sum as a special case with the previous sanction of the Government of India.

(2) No.

Dr. M. B. VELKAR : With reference to reply to (c), why was not the opinion of the solicitors placed before the Board in this particular case ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : It was placed before the Board. I think I had better explain the whole position. This officer, who has been given this advance, is the acting secretary and chief accountant. He was previously an assistant accounts officer in the Accountant General's office, and has been lent to the Trust on "foreign service". If he had continued in Government employment, he would have been entitled to an advance from Government. As however he has been lent to the trust, and as he is not a subscriber to their Provident Fund, no advance under the law could be made to him, according to the opinion of the solicitors, for house-building. Therefore, his case has been regarded as a peculiar and special case, and an exception has been made in his favour by the Trust on the recommendation of the Finance and Establishment Committee of the Trust, subject to the sanction of Government. The committee's resolution was confirmed by the Board, and they have asked for the sanction of the Government of India.

Mr. HOSEENALLY RAHIMTOOLA : Would the advance have been given to him by Government free of interest ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes.

OFFICIAL INFLUENCE IN FAVOUR OF DISTRICT LOCAL BOARD
PRESIDENTSHIP CANDIDATES.

Mr. L. B. BHOPATKAR (Poona City) : (a) Will Government be pleased to state whether it is a fact that the former Commr ^o ^e ^{le} ^{ompletion.}

the Northern Division, the former Collector of Thana, and other revenue officers supported one of the candidates for the presidentship of the Thana District Local Board, and exerted their official influence on his behalf ?

(b) Will they be pleased to state whether the Collector of Thana and his subordinate officials supported candidates for the presidentship of the local boards of some talukas in the Thana district, and exerted their official influence on the candidate's behalf ?

(c) If the answer is in the affirmative, did they do it under Government instructions ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) The reply is in the negative.

(b) The reply is in the negative.

(c) This question does not arise.

PARKING OF CARS NEAR GYMKHANAS.

Mr. L. B. BHOPATKAR (Poona City) : (1) (a) Will Government be pleased to state whether it is a fact that the police authorities in Bombay do not permit members of the Hindu and Islam Gymkhanas to park their cars by the side of the Queen's Road near the entrance to the said Gymkhanas ?

(b) If so, will Government be pleased to state the reasons which have induced the police authorities to discontinue the old practice ?

(2) (a) Will Government be pleased to state whether it is a fact that the cars of the members of the Commercial Gymkhana near the Wodehouse Bridge in Bombay are allowed to stand on both sides of the road ?

(b) If so, will they be pleased to state what this differential treatment is due to ?

The Honourable Sir MAURICE HAYWARD : (1) Cars are not allowed to be parked opposite the Hindu and Islam Gymkhanas owing to the heavy traffic along that part of Queen's Road.

(2) Cars are allowed to be parked on one side of the road opposite the Commercial and other Gymkhanas further South as there is less than half the traffic along the Southern end of Queen's Road.

Dr. M. B. VELKAR : Do the Government propose to make any arrangements for the parking of motor cars at some nearer distance to the Islam and Hindu Gymkhanas ?

The Honourable Sir MAURICE HAYWARD : I believe a proposal has been made that they should be parked on the road to the west of the railway ; but that depends upon the Development Department.

1 SUITS AGAINST THE SECRETARY OF STATE FOR INDIA.

(a) :

the Hon. B. BHOPATKAR (Poona City) : Will Government be acting as furnish a statement of suits instituted against the Secretary

of State for India in Council during the period from 1st March 1924 to 1st April 1925 in the different district or other courts ?

The Honourable Sir MAURICE HAYWARD : A statement* giving the required information is laid on the Council table.

BHAMBURDA TOWN PLANNING SCHEME.

Mr. L. B. BHOPATKAR (Poona City) : (a) Will Government be pleased to say whether they are aware that different rules and conditions are applied to different owners in regard to the building of bungalows within the aforesaid limits ;

(b) will they be pleased to state whether they have taken any steps for the water-supply and drainage schemes for the aforesaid area ;

(c) if not, whether they propose to undertake these schemes, and, if so, when ;

(d) whether Government are aware that the lack of good drinking water seriously inconveniences the residents of the said locality and the absence of drainage is making the area insanitary ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) No. The usual condition is that only one-fourth of the area of a building plot is allowed to be covered with buildings and only one main residential building is allowed to be erected on each plot. This restriction is, however, relaxed in the case of an owner who voluntarily agrees to set apart a sufficient permanent open space so as to reduce the average total area to be covered with buildings to one-quarter of the building area.

(b) and (c) As it is the duty of the municipality to undertake the water-supply and drainage schemes, Government have taken no steps in this direction. It is, however, understood that these schemes have been included in the Town Planning Scheme at the instance of the municipality and the arbitrator who was consulted in the matter by that body has supplied it with certain data in order to enable it to complete these schemes.

(d) The answer is in the affirmative.

COMPLETION OF THE BHAMBURDA TOWN PLANNING SCHEME.

Mr. L. B. BHOPATKAR (Poona City) : Will Government be pleased to state whether the Town Planning Officer and his department are proceeding with the Bhamburda Town Planning Scheme ?

If so, when the scheme will approximately be completed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes. It is not possible to fix the date of completion.

Mr. L. B. BHOPATKAR : My question is, "If so, when the scheme will approximately be completed", and the answer is "It is not possible to fix the date of completion". I do not want the date of completion.

*Vide Appendix No. 18.

Will the Honourable Minister give me the approximate period within which it will be completed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : There are certain questions with regard to the scheme pending before the municipality. The honourable member, I understand, is a member of the municipality, and if he will expedite.....

Mr. L. B. BHOPATKAR : I am not a member now. But will it be completed during the next nine years ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : It all depends on the local authorities. We will try to expedite it as much as possible.

GRANT OF HOLIDAYS.

Mr. L. B. BHOPATKAR (Poona City) : Will Government be pleased to state—

(a) when the list of public holidays was last revised ?

(b) whether it is a fact that many important Hindu and Muslim holidays are not included in the list ?

(c) will Government place on the table a copy of the rules, if any, regarding sectional holidays ?

(d) does the grant of a sectional holiday rest in the discretion of the superior officer of the department concerned ?

The Honourable Mr. H. S. LAWRENCE : (a) In 1912.

(b) No.

(c) The rules about the sectional holidays are that the sectional holidays authorised by Government for particular communities should be granted only to the members of those communities ; that no office should be completely closed on such a holiday unless so many of its employees are entitled to leave that work cannot be carried on ; that offices such as that of the Collector of Customs, transacting commercial business, and Government Treasuries should be kept open ; that if a man is required to attend on a holiday he should be given another day in its place when opportunity offers, and that if possible a man of the religious persuasion which observes the holiday should not be called upon to work on it.

(d) Such holidays are recognised by Government but the conditions attaching to their enjoyment make the grant to any particular individual dependent to some extent on the discretion of the head of the office concerned.

LANDS FOR MANGS.

Mr. L. B. BHOPATKAR (Poona City) : Will Government be pleased to state—

(a) whether they are aware that of all the depressed classes the Mangs form a class which has very little land to cultivate and maintain itself upon ;

(b) whether Government intend to transfer to the Mangs for cultivation Government lands at present lying uncultivated.

The Honourable Mr. LALUBHAI SAMALDAS: (a) Government have no figures to show what land is held by Mangs. It is however probably true that as a class they do not possess much land.

(b) Government are not prepared to issue any general orders on the subject, but application for land from depressed classes will be favourably considered.

MORAL AND RELIGIOUS EDUCATION IN CRIMINAL TRIBES
SETTLEMENTS.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether they have made any provision for imparting moral and religious education in criminal tribes settlements;

(b) if not, whether they are willing to afford facilities to private agencies to do so ?

The Honourable Sir MAURICE HAYWARD: The attention of the honourable member is invited to the reply given to the question put by the honourable member for the Poona district in the Council Sessions of October 1924.*

PROCEEDINGS OF TALUKA LOCAL BOARDS MEETINGS CALLED FOR BY
COLLECTOR OF THANA.

Mr. L. B. BHOPATKAR (Poona City): (a) Will Government be pleased to state whether it is a fact that the Collector of Thana called for the proceedings of meetings of some taluka local boards, in which candidates for the presidentship who were supported by officials were not elected ?

(b) If so, will Government state if such procedure is based on any precedents ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) and (b) Proceedings of meetings of the taluka local boards of Thana and Umbergaon were called for by the Collector under the authority vested in him under section 124 (1) (b) of the Local Boards Act, 1923. So far as Government are aware no candidates for the presidentship of any of the taluka local boards of the Thana district were supported by officials.

COLLECTOR OF THANA'S OBJECTION TO DATE OF A TALUKA LOCAL
BOARD MEETING.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state whether the Collector of Thana had requested a taluka local board president to postpone the date of meeting in which elections were to be made, and when the president did not postpone the meeting, whether the Collector raised an objection to that meeting and asked the president to put the objection before the meeting ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The reply is in the affirmative.

* Vide Vol. XIII, page 448.

BEL-CHAIN SYSTEM IN JAILS.

Mr. L. B. BHOPATKAR (Poona City): (a) Will Government be pleased to state whether the bel-chain has been done away with in any and which of the jails in the presidency?

(b) If it had not been done away with in any of the jails in the presidency what is the reason for the same?

(c) Do Government intend to do away with the bel-chain in all the jails in the presidency? If so, when?

(d) Is it a fact that, in spite of promises to the contrary, the bel-chain system is still continued in the Nira Guanj jail? If so, will Government be pleased to state the reasons for continuing the same?

The Honourable Sir MAURICE HAYWARD: The bel-chain was in use in the Deccan Convict Gang at Visapur and the Sind Convict Gang at Ganjo Takar. It ceased to be used last October on the strengthening of the barracks in the Deccan Gang and has probably ceased to be used on similar strengthening of the barracks in the Sind Gang.

PUBLIC HEALTH LABORATORY, KARACHI.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) the year in which the Public Health Laboratory was established at Karachi;

(b) the objects for which it was so established at Karachi;

(c) the yearly expenditure on it;

(d) how much work it has done for the public in general, and the Karachi municipality in particular by way of analysing samples;

(e) and how many samples were analysed by a similar laboratory at Poona during the same period?

The Honourable Mr. B. V. JADHAV: (a) The laboratory was established in 1920.

(b) The first object of such laboratories is to secure good drinking water supplies. For regular piped installations they maintain records of systematic chemical and bacteriological examinations of water samples at each stage in the process of purification and prescribe the dosage of precipitating and oxidizing re-agents where necessary. Analyses of "chance" water samples from other sources in their areas are also done as required. Other functions of the laboratories are:—

Analysis of samples of—

(a) Sewage.

(b) Food stuffs, grains, flour, milk and milk products, etc.

(c) Spirits, wines, etc.

Examination of—

(d) Pathological specimens including blood, urine, stools, etc.

(e) Shaving brushes and other materials suspected of infection.

Miscellaneous—

(f) Soils.

(g) The giving of instructions in methods of sterilizing of water, etc.

(h) Other miscellaneous laboratory work, e.g., autogenous vaccines, etc.

(c), (d) and (e) Three statements * giving the required information are attached.

LABORATORY OF THE CHEMICAL ANALYSER TO GOVERNMENT,
KARACHI.

Mr. L. B. BHOPATKAR (Poona City): (a) Will Government be pleased to state whether it is a fact that there is a laboratory of the Chemical Analyser to the Government of Bombay at Karachi doing analytical work?

(b) What is the annual expenditure incurred on this laboratory?

(c) What is the work turned out by this laboratory during the period for which the statistics are asked for in the question above?

The Honourable Mr. B. V. JADHAV: (a) Yes.

(b) The expenditure for 1924-25 was Rs. 15,140.

(c) Attention of the honourable member for Poona City is invited to the annual reports of the chemical analysers, which give the information required and copies of which are supplied to non-official members of the Legislative Council.

POSTS IN THE DREDGING SECTION OF THE BACK BAY RECLAMATION
SCHEME.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) how many appointments have been made for posts carrying a monthly salary of Rs. 300 and above in the dredging section of the Back Bay Reclamation Scheme, since the inauguration of this section?

(b) Of these how many are gazetted and how many non-gazetted posts?

(c) How many of these posts have been held by Indians?

(d) Were these posts advertised in any of the Indian newspapers and was any attempt made to get men of the required qualifications in India?

(e) What are the qualifications of the present incumbents of the posts?

(f) Is there any likelihood of the staff of the dredging section being increased in the near future?

The Honourable Mr. COWASJI JEHangIR: (a) Thirty-six.

(b) Gazetted six. Non-gazetted thirty.

(c) Five.

(d) These posts were not advertised. Efforts were made to get men of the required qualifications in India. Eleven appointments have been so made.

(e) The present incumbents have had good previous experience of the work for which they are required, or of similar works.

* Vide Appendix No. 19.

(f) One additional appointment only, that of a Marine Surveyor, is likely to be created in the near future.

STAFF FOR CONSTRUCTING FACE WALL, BACK BAY RECLAMATION.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state if it is a fact that the construction of the face wall of the Back Bay Reclamation is nearly completed? If so, is any action taken to curtail the staff?

The Honourable Mr. COWASJI JEHangIR: Work on the sea wall is still in progress.

After completion of the present season's work, there will remain about 1,800 feet of sea wall and rubble mound to complete, and in addition, the parapet wall along the whole length from Marine Lines to Colaba—a distance of about four miles.

During next season 1,500 feet of sea wall will be constructed leaving a gap of approximately 300 feet.

Work will also be commenced on the parapet wall.

It is anticipated that this work, with the exception of the 300 feet gap, will be completed during the year 1927-28.

In addition to the sea wall, the construction of storm-water drains is in hand.

The staff engaged on the sea wall construction are also employed on the construction of storm-water drains. It is anticipated that these main drains will be completed in 1926-27.

The staff engaged for the construction of the sea wall has been reduced by one deputy chief engineer.

At the end of the present season the staff is being further reduced by one mechanical engineer and a number of subordinate grades.

SCHEMES FOR PROTECTIVE IRRIGATION WORKS.

†* Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state which schemes for protective irrigation works in the Satara district have been completed so as to be taken in hand in times of famine, and what are their estimated costs?

† Will Government be pleased to furnish a list of schemes for protective irrigation works in the Satara district which are intended to be taken in hand in time of famine with the estimated cost of each?

* This question was asked at the meeting held in February-March 1925 when an *ad interim* reply was given.

† This question was asked at the meeting held in October 1924 when an *ad interim* reply was given.

The Honourable Mr. COWASJI JEHANGIR: Two works, namely a tank near Goregaon on the Nandni river estimated in 1907 to cost Rs. 7,95,115 and a tank at Visapur in the Tasgaon taluka estimated in 1908 to cost Rs. 2,43,466. The estimates for these works would, however, now need thorough revision.

STABLES ON THE WEST MURZBANABAD ROAD, ANDHERI.

Mr. LALJI NARANJI (Indian Merchants' Chamber): (1) Will Government be pleased to state whether their attention has been drawn to the construction of three stables on the West Murzbanabad Road, Andheri?

(2) Is it true that the permission for building these stables was given by the Collector, Bombay Suburban District?

(3) Is it true that such a permission has been given by the Chairman, Notified Area Committee?

(4) If so, did the Chairman, Notified Area Committee, consult the Notified Area Committee?

(5) If not, what were his reasons for giving his sanction without such a consultation?

(6) Were there any special reasons which induced the Collector of the Bombay Suburban District and the Chairman of the Notified Area Committee to give the permission referred to above for the location of stables in the residential locality of Andheri?

(7) If so, what were the reasons.

(8) Have Government received any protests from the public and individual house-holders in this connection; if so, from whom?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:
(1) Yes.

(2) Yes; temporary permission for seven years.

(3) Yes.

(4) No.

(5) The powers of sanctioning buildings have been delegated to the Chairman by the Committee.

(6) and (7) There were no special reasons for giving or refusing permission. Most of Salsette is residential and stables have to be allowed somewhere. The place in question was at a good distance from buildings and as unobjectionable a site as it would be possible to find with reasonable access from a railway station.

(8) Yes:—

(1) Messrs. Captain and Vaidya.

(2) Mr. H. P. Mody, Executor of the late Mr. Perosha B. R. Mody.

(3) Mr. P. R. Wattal, Examiner, Outside Audit, Bombay.

(4) Messrs. N. Futelly & Company.

(5) Messrs. Crawford Bayley & Co., Solicitors, on behalf of their clients Messrs. Jehangir Hormasji Cama and Dossabhai Ardeshir Cama.

(6) Messrs. Khambata and Company, Solicitors, on behalf of their client Mr. Nowroji Nusserwanji Shroff.

(7) Messrs. Craigie, Blunt & Caroe, Solicitors, Bombay, on behalf of their client Mr. P. B. Godrej.

(8) Messrs. Little & Co., Solicitors, on behalf of their client Mr. Nowroji Nusserwanji Shroff.

(9) Messrs. E. F. Gomes, Shantaram N. Patil and E. S. Ghaswala, Members of the Notified Area Committee, Andheri.

(10) Messrs. Captain and Vaidya, Solicitors, on behalf of their client Mr. Cassam Babanbhai Bagwan.

(11) Kazi Sherif Mahomed Saheb Londy of Bombay, on behalf of Sunni Mahomedans.

DANGER TO HEALTH FROM STABLES.

Mr. LALJI NARANJI (Indian Merchants' Chamber): (a) Will Government be pleased to state whether they are aware that the location of milch cattle stables in the very heart of a residential locality is attended by a grave risk to the health of that locality?

(b) Are Government aware that the migration of people to the suburbs, which they themselves want to see developed, will be adversely affected if health conditions in the suburbs are not properly looked after?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) and (b) Yes.

PRACTICE REGARDING PERMISSION FOR LOCATION OF STABLES.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state whether it is the practice for the Collector of the Bombay Suburban District and the Chairman of the Notified Area Committee to give permission for the location of stables in residential localities without consulting Notified Area Committees and the people?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The reply is in the affirmative.

STABLES IN THE SUBURBS.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state how many, if any, stables are located in the residential localities of each of the following suburbs:—

Andheri, Santa Cruz, Ville-Parle, Malad, Mulund, Borivli?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The subjoined table gives the information required:—

Place.	Number of stables.	
	Horse stables.	She-buffalo stables.
Andheri	6	3
Santa Cruz	8	1
Ville-Parle .. ..	..	12
Malad	3	12
Mulund .. ..	..	12
Borivli .. ..	..	..
Total ..	17	40

NOTICE UNDER RULE 27 OF THE ANDHERI NOTIFIED AREA RULES.

Mr. LALJI NARANJI (Indian Merchants' Chamber and Bureau): (a) Will Government be pleased to state whether it is true that the Chairman, Notified Area Committee, caused a notice to be served on the person building the stables to stop work and show cause why he should not be prosecuted for violating the provisions of Rule 27 of Notified Area Rules for Andheri?

(b) Is it also true that the person in question continued to build his stables in spite of such a notice?

(c) If so, what steps are contemplated to be taken in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) and (b) Yes.

(c) None, as it appears that the stables are likely to be removed.

APPOINTMENTS IN PUBLIC WORKS DEPARTMENT SERVICE.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): (a) Will Government be pleased to state the total number of persons admitted into the upper subordinate service of the Public Works Department after the usual recruitment to it was resumed in 1920, as announced in their reply to the honourable member Mr. Pradhan's questions in February 1924;

(b) the number promoted from the permanent lower subordinate and temporary upper subordinate services respectively;

(c) the number of guaranteed appointments allotted to different colleges and the year in which they were resanctioned?

The Honourable Mr. COWASJI JEHangIR: (a), (b) and (c) Thirty-eight comprising eight permanent lower subordinates, seventeen temporary upper subordinates, four temporary lower subordinates and nine college students guaranteed appointments made up as follows:—

Three in the years 1920 and 1921 from the College of Engineering, Poona, and one in each of the years 1920, 1922 and 1923 from the D. J. Sind College, Karachi.

APPOINTMENTS IN THE PUBLIC WORKS DEPARTMENT.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): (a) Will Government be pleased to state if it is a fact that for several years prior to 1920 a number of lower subordinates of long standing were recommended from time to time for promotion to the upper subordinate service; and, if so, whether any of these have yet been taken up;

(b) whether it is a fact that some of these men have put in longer service than many temporary hands who have since been promoted;

(c) whether Government have received any representations from the lower subordinates about their grievances?

The Honourable Mr. COWASJI JEHangIR: (a) Yes; appointments have been made in some exceptional cases only.

(b) Yes; but mere length of service confers no claim for promotion which is made purely on merit.

(c) Yes.

APPOINTMENTS IN THE PUBLIC WORKS DEPARTMENT.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state how they propose to protect the interests of men of the lower subordinate service in view of the fact that promotion to the higher grades of service is primarily restricted to the upper subordinate line from which they have been debarred for several years?

The Honourable Mr. COWASJI JEHLANGIR: The matter is under consideration.

SUKKUR BARRAGE ENGINEERS' QUARTERS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state if it is a fact that the expenditure incurred in connection with the bungalow of the Superintending Engineer, Barrage, at Sukkur is in excess of the estimates by ten thousand rupees, that of Executive Engineers by Rs. 8,000 each, and that of Assistant Engineers by Rs. 5,000 each?

The Honourable Mr. COWASJI JEHLANGIR: No. The anticipated excess is expected not to exceed Rs. 945 on the Superintending Engineer's bungalow and Rs. 724 on each Executive Engineer's bungalow. The excess on each Assistant Engineer's quarters is also expected not to exceed Rs. 165.

Rao Saheb D. P. DESAI: How is it that there is no decrease in the cost, although the prices have gone down? The original estimates were framed when the prices were very high.

(No reply.)

SUKKUR BARRAGE ENGINEERS' QUARTERS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): (a) Will Government be pleased to state whether it is a fact that Rs. 9,000 have been spent on Assistant Engineers' quarters, and Rs. 30,000 on those of Assistant Executive Engineers?

(b) Is it a fact that this distinction between the quarters of Assistant Engineers and Assistant Executive Engineers has led to considerable discontent among the former? Is it a fact that in consequence of this they have made a representation to the Chief Engineer?

The Honourable Mr. COWASJI JEHLANGIR: (a) The quarters are not yet complete; but they are estimated to cost Rs. 8,300 for an Assistant Engineer and Rs. 21,404 for an Assistant Executive Engineer.

(b) No. Four Assistant Engineers petitioned the Chief Engineer, Lloyd Barrage, complaining of the lack of certain amenities. These complaints have been redressed.

SUKKUR BARRAGE ENGINEERS' QUARTERS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Is it a fact that for the last one month or so the Superintending Engineer, Sukkur Barrage Circle, has been living in the quarters of an Assistant Engineer?

The Honourable Mr. COWASJI JEHLANGIR: The reply is in the negative.

SUKKUR BARRAGE ENGINEERS' QUARTERS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state whether (a) it is a fact that several barrage building contractors have been asked to make alterations in the buildings in their hands, not specified in the tenders ?

(b) is it a fact certain contractors declined to take up barrage building contracts not included in the usual tender by reason of the lowness of the rates offered to them ? Is it a fact that such works were carried out by the department itself at an excessive cost ?

The Honourable Mr. COWASJI JEHANGIR: (a) Certain minor alterations were made in the bungalows and establishment quarters in the Barrage Township. They did not involve any material alterations, but were made either to improve the internal arrangements or were new minor items not provided in the estimates.

(b) No.

DEMURRAGE PAID TO RAILWAY BY ROHRI CANAL CIRCLE AND SUKKUR BARRAGE CIRCLE AUTHORITIES.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that owing to defective arrangements about the removal from railway stations of certain machines a demurrage of Rs. 40,000 had to be paid to the railway by the Rohri Canal Circle authorities ?

(b) whether it is a fact that a demurrage of Rs. 4,000 or Rs. 5,000 was paid in similar circumstances by the Sukkur Barrage Circle authorities ?

The Honourable Mr. COWASJI JEHANGIR: (a) and (b) The demurrage paid to the railway authorities on account of delay in the removal of drag line machines in the Rohri Canal Circle amounts in the aggregate to Rs. 17,662 and in the Sukkur Barrage Circle to Rs. 2,587-11-0.

The delay was mainly due to the fact that a proper crane to handle the heavy machinery had to be obtained from the railway authorities and delay in opening the Janwari Station of the Lloyd Barrage Railway.

Mr. G. B. PRADHAN: What officer was responsible for this demurrage, which is a loss to the public ?

The Honourable Mr. COWASJI JEHANGIR: An explanation for the demurrage was given and the Government have accepted that explanation as reasonable.

Mr. D. B. ADWANI: Was it not the duty of the officers concerned to anticipate the requirements and to ask for the crane in good time ?

The Honourable Mr. COWASJI JEHANGIR: The honourable member will see that the delay was due to the railway authorities.

Mr. H. D. SAHEBA: Why did they charge the demurrage then ?

(No answer.)

Mr. B. G. PAHALAJANI: How long before the drag line excavators arrived was the application made to the railway authorities to send a crane ? Or is it that no application was made at all ?

The Honourable Mr. COWASJI JEHangIR: If the honourable member will give notice I will give that information.

Mr. B. G. PAHALAJANI: Does the honourable member know that a similar question was asked by me at the last session and reply was given that information had not been received from Sind?

The Honourable Mr. COWASJI JEHangIR: I am not aware of that.

Mr. B. G. PAHALAJANI: Can the honourable member tell us what was the total demurrage paid for all goods in that circle? This is only for the drag line excavators.

The Honourable Mr. COWASJI JEHangIR: If the honourable member gives me notice I will give him all the information.

Mr. B. G. PAHALAJANI: Does the honourable member know whether correspondence was going on between the railway authorities and the Superintending Engineer, Left Bank, before the bill of lading was received at Karachi?

The Honourable Mr. COWASJI JEHangIR: I am not aware of it.

PERMANENT ASSISTANT ENGINEERS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that several permanent Assistant Engineers in the barrage have been relieved of their responsible duties, and those duties entrusted to temporary upper subordinates?

(b) whether it is a fact that highly paid permanent Assistant Engineers have been kept in the office merely to do drawing work or placed over upper subordinates?

The Honourable Mr. COWASJI JEHangIR: (a) No.

(b) In the whole scheme only four permanent Assistant Engineers are attached to divisional offices and these are specially employed on the design of canals and other important works.

DRIVERS OF MACHINE EXCAVATORS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that drivers of machine excavators sent for by the barrage authorities are all highly paid Europeans;

(b) whether it is a fact that experienced and capable Punjabis who have worked such machines successfully could be had on much lower salaries?

The Honourable Mr. COWASJI JEHangIR: (a) No.

(b) The posts were advertised in the newspapers but no applications were received from experienced Punjabis.

Mr. P. G. JOSHI: May I know how many of these highly paid drivers are Europeans, if not all?

The Honourable Mr. COWASJI JEHangIR: I will ask for notice of this question.

Mr. D. B. ADWANI: Was the advertisement placed in the Indian papers or only in English papers?

The Honourable Mr. COWASJI JEHangIR: I ask for notice.

REGULATOR OVER DADWAH.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state what has led the engineering department to abandon the work of constructing a regulator over Dadwah at the 65th mile below Sorabwah head, which they had proposed to do in the year 1911?

The Honourable Mr. COWASJI JEHANGIR: The attention of the honourable member is drawn to the reply given to clause (a) (ii) of the question regarding Mubarakwah and Sorabwah Canals put by the honourable member Mr. D. B. Adwani, at the last session of the Legislative Council.*

ZAMINDARS OF SORABWAH.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state—

(a) whether they know what loss has been sustained by the zamindars of Sorabwah owing to non-cultivation of certain lands as a result of deficient water supply in Sorabwah and bad crops in the case of cultivated lands, and by Government themselves so far as land revenue is concerned?

(b) whether it is a fact that the zamindars of Sorabwah represented their case at a regular conference of revenue and canal officers held in 1921, and were given a hope that the said regulator at Dadwah as well as one at Mubarak head would soon be constructed?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

DELAY IN CONSTRUCTING REGULATOR OVER DADWAH.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): (a) Will Government be pleased to state whether it is a fact that the Mubarak head regulator was constructed in 1922, and the one proposed to be constructed over Dadwah, though sanctioned late in 1923, has been held in abeyance? If so, why?

(b) Have Government postponed this work owing to the construction of the Lloyd Barrage?

(c) Is it a fact that additional revenue obtained as a result of this work is likely to cover its cost in the course of one year?

The Honourable Mr. COWASJI JEHANGIR: (a) In 1922, a regulator was constructed at mile 56th of the Dad just below the head of Mubarakwah. A regulator over Dadwah was neither proposed nor sanctioned in 1923; but regulators (1) at mile 65 for Sorabwah, (2) at mile 72 below the head of the Yarowah and (3) at head of Hazariwah were included in the project for remodelling the lower Dad Canal which scheme was abandoned as the area would be commanded by the Rohri Canal of the Lloyd Barrage and Canals Construction Project.

(b) & (c) Do not arise.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, may I just give a supplementary answer to the question which was asked.

by Mr. Swaminarayan in connection with his question headed "Collection of Irrigation Dues in South Daskroi" ? (Page 17 *ante*.) I did not grasp the supplementary question, but the answer is quite plain. The honourable member's question is clearly answered. It is:

"Irrigation dues from the cultivators of rice villages of South Daskroi for the years 1921-22 and 1922-23 are being recovered as they are outstanding owing to the late receipt of the demand statements by the revenue authorities."

Not on account of any revision. It is on account of the revenue authorities being late with their returns that the tax was not collected first, but it had to be collected afterwards. The next answer makes it much more clear by stating that there has been no failure of rice crops. It was due to the late receipt of the demand statements from the revenue authorities. The revenue authorities were a little late in submitting their returns.

Mr. J. C. SWAMINARAYAN: The Honourable the General Member is mistaken in his statement of the procedure. It is the irrigation authorities that give a statement of the dues to the revenue authorities, and it is the revenue authorities that collect the dues.

The Honourable the PRESIDENT: The honourable member can only ask supplementary questions.

Mr. J. C. SWAMINARAYAN: Is it not a fact that it is the irrigation authorities that submit a statement of their demands to the revenue authorities ?

The Honourable Mr. COWASJI JEHANGIR: The delay in this case took place on account of the revenue authorities delaying their submission of the returns.

BOMBAY CITY MUNICIPAL ACT AMENDMENT BILL (BILL No. XXV OF 1925.)

Question again proposed :

Delete Clause 14 of the Bill and substitute the following :—

Clause 14 of the Bill. Delete whole of Sec. 54 of the said Act and substitute the following :—

Section 54 (1) "Subject to the confirmation by the Governor-in-Council the Corporation shall from time to time appoint the Municipal Commissioner for the City of Bombay for a renewable period of three years."

Amendment of Section 54,
Rom. III of 1888.

(2) "But he shall be forthwith removed from office, if at a meeting of the Corporation not less than three-fourths of the Councillors present shall vote in favour of proposition in this behalf."

Mr. K. F. NARIMAN (Bombay City, South): Sir, as I stated yesterday I do not want to go into the previous history of the question any more. I will go at once into the merits of the question. My demand that this power of appointing the Commissioner should be transferred to the Corporation is just because the Corporation is the authority and the institution that pays for the Commissioner. The Corporation not only pays his salary but also controls him and instructs him, and to all intents and purposes the Commissioner is practically the servant of the Corporation. That is not disputed. And it is a widely acknowledged principle that whoever employs a servant and pays for him must have a voice in his appointment. I do not think that in any other institution it will be admitted that payment should be made by one authority

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but the appointment should be made by some other authority. Suppose the corporation demand the right of appointing the Police Commissioner in the City of Bombay, I am sure the Government benches would ridicule that claim as preposterous. And I say therefore the corporation has a right to say that this claim of Government to appoint the municipal commissioner is equally preposterous. I say so, Sir, because this principle has been acknowledged all through not only so far as the Bombay municipality is concerned, but also with regard to other municipalities. Besides the municipal commissioner, the Bombay municipality employs several other important officials some of whom draw salaries even higher than that of the commissioner and whose duties and responsibilities are equally important. Consider the duties of the deputy commissioner who has exactly the same duties as the commissioner, particularly when the commissioner is on leave for several months, sometimes for one year. When the commissioner is on leave the deputy commissioner acts for him and discharges his onerous duties with efficiency. All these appointments are now, under the Act, made by the corporation, of course subject to the confirmation of the Government of Bombay. For that reason only, much against my will, in my amendment too in order to meet the opposition of other members who might consider that the power of appointing the commissioner also should be subject to the approval of Government, I have put in a proviso that the appointment should be subject to the confirmation of Government. I have done so much against my will, because I do not think this House would accept a sweeping reform such as the transfer of the power of appointment of commissioner to the corporation outright without any proviso. Therefore, I base my claim, Sir, first, according to the principle that he who pays the servant must have the right to appoint him.

My next point, Sir, is that the corporation has not abused this power so far as the other officials are concerned. I do not think anybody who has experience of the Bombay corporation will say that the corporation has abused its power of appointing the other officials, that they have not appointed efficient persons and persons that deserve to the posts of health officer, executive engineer or hydraulic engineer. In spite of the desire of the corporation to indianise its services, although it is the desire of all the members of the corporation that as far as possible the services should be indianised in the local self-government, still in order that the efficiency may not suffer, the corporation has renewed the appointments of all those officers who are Europeans, and only recently they have renewed the appointments of the health officer, they have renewed the appointment of the executive engineer and also of the several other officers of the departments. Although there is a desire to indianise the services, still the corporation thought at this stage that they should allow these officers though Europeans to continue in spite of the resolution that the services should be indianised. Therefore, I say that the fear of some honourable members that this power is liable to be abused has no ground for justification. Then think of the last appointment

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of the deputy commissioner. He happens to be a Mahomedan gentleman and although Mahomedans are in the minority on the corporation, still they have appointed a Mahomedan because he was in the service of the corporation for several years and because he was recommended by the commissioner and had a prior claim in the services already. Therefore the communal bias did not prevail but justice and equity prevailed and a Mahomedan was appointed. I think there are numerous instances where this power has not been abused by the corporation and I appeal to the honourable members to look to their own experience and not to allow themselves to be prejudiced by communal considerations. Why I claim this power is, that unless the power of the appointment of the municipal commissioner is transferred to the corporation, I consider, and there are several others who consider, that municipal local self-government so far as the city of Bombay is concerned is a sham. Having studied the constitution of the municipality and worked it, I say that unless this power is transferred to the corporation there is no real municipal local self-government. I can show several instances of how there occurs a clash between the chief executive officer and the municipal corporation. There is bound to be this clash because very often occasions arise where a clash occurs between Government and the municipality and the commissioner who is still a Government servant is placed in a most embarrassing position. I know that several commissioners have carried on the policy of the corporation as far as possible, but there are limitations to their policy because after all they have got to remember that they have to fight for the corporation against their own employer, the Government. Such a situation is at times very undesirable both for the commissioner and the corporation and that situation would not arise if the power of the appointment of the commissioner is transferred to the corporation. I may point out only one or two instances in which there has been a clash between the corporation and its executive officer. The corporation has recently embarked upon the policy of indianisation of its services. But somehow or other the corporation finds that this policy is not being carried out. Very often a clash takes place between the commissioner and members of the corporation over the appointment of Indians, to posts for which deserving Indians are available. Of course it is quite natural that the commissioner being a European supports the claims of his own community. The commissioner has to come to the corporation for appointments of officers for over six months. But the commissioner in order to avoid that privilege being exercised by the corporation very often appoints an officer to the post for three months although the appointment is for two or three years, and he then renews that appointment after every three months so as to avoid the limit of six months or one year being reached. Thus the right of the corporation to appoint a man for one or two years is taken away from the corporation. There are several other instances whereby the decisions of the corporation have not been carried out by the commissioner because the corporation has no control over him. But if the appointment

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of the commissioner is vested in the corporation the commissioner shall necessarily have to respect the decisions of the corporation. Then, the most serious objection which I wish the House to consider seriously is that so long as the appointment rests with Government, this most important post in the local self-government in the whole of India, the municipal commissioner of the city of Bombay under the local self-government, that post is permanently shut out for an Indian howsoever deserving that Indian may be. I may ask honourable members opposite to point out a single instance during the course of fifty years when this constitution has been worked, whether they have not been able to find a single Indian gentleman fit to occupy that position; and amongst Europeans it is confined only to Civilians—I must say they have supplied best civilians who have done the work very satisfactorily—but I am only fighting for the principle as to why the door should be shut for Indians—why has not a single Indian been found fit to occupy this chair of the municipal commissioner although during that period Government itself have selected Indians for the higher and responsible posts under the Government like the executive councillorships and High Court judgeships and even for the acting governorships in other provinces, but they have not found a fit Indian to occupy the position of the municipal commissioner. That is an anomalous position, particularly because under the local self-government the salary paid to its executive officer by the municipal corporation is very high and if the post is kept open, it will be possible to find equally fit Indian gentlemen to occupy it if not better than those who have filled it up to now. It is the reflection on the whole of India which I want to remove by this amendment.

Further, I would like to point out that Government has according to the legislation, recent as well as old legislation, and in accordance with the spirit of the reform admitted that so far as local self-government is concerned there should be as little interference in the management of its affairs as possible. That is the principle which has been enunciated times out of number and that is the principle which I am glad has been put into practice by the several municipalities concerned. But the Bombay municipality is the only municipality where this power has not been granted. Only yesterday we here heard it said that there is no other public body or institution which carries out its work so efficiently regardless of communal or party interests as the municipal corporation of Bombay, and in spite of this reflection do you think that this municipal corporation, which manages the affairs of 12 lakhs of people through its representatives and manages the funds of crores of rupees entirely unconnected with and uncontrolled by Government and without any supervision of Government, is not in a position to make one appointment and choose its chief executive officer? That is the position which is very anomalous and I say this that if you think the municipal corporation is a deserving body it is quite capable of making the appointments of its chief executive officer. In the new legislation which is coming on you have given the municipalities the power of appointing their executive officers—I am referring to the Major Municipalities Bill

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which is to be discussed in this very session. In that legislation this Government has granted to those municipalities the power which they hitherto did not enjoy, namely, the power of appointing their executive officers. And another important point, Sir, which we are going to discuss in this very Council is a bill for the transfer of the Improvement Trust to the Bombay Corporation. In the Improvement Trust there is an officer, just the same or similar to the Municipal Commissioner, who has been designated the "Chief Officer" of the Improvement Trust and his duties, his responsibilities, his powers, and all his conditions are exactly the same as those of the Municipal Commissioner. As a matter of fact, at one time the Corporation thought that that office should also be held by the Municipal Commissioner, but subsequently it was thought that the two duties would prove too burdensome and they came to the conclusion that there should be two officers. I refer to Bill No. XVII of 1925 which is to be discussed in the Council. It says:

"The Chief Executive Officer of the Board shall be styled the Chief Officer and he shall be appointed by the Board, subject to confirmation of Government, for a renewable period of three years."

Now, Sir, I do not ask from the Government anything more than what they themselves are granting to other local bodies than the Bombay Municipal Corporation itself. It will be admitted, Sir, that the Board of Improvement Trust is a body, whose resolutions are to be sanctioned by the Municipal Corporation, it is a body which is merged into the Municipal Corporation. Still this power of appointing the Chief Officer, which is just the same as the Municipal Commissioner, with the same powers and the same responsibilities with respect to Improvement Trust properties as are given to the Municipal Commissioner with respect to municipal properties, is given to the Board. Then, how can you maintain this distinction in view of this departure which Government themselves are making in the new legislation? Much worse, Sir, than that, or I should say much better for the Bombay Municipal Corporation, Government are introducing another bill in this very Council which is called "A Bill to give wider powers in the management of municipal affairs in certain cities". There, too, Sir, clause 31 makes a provision to this effect:

"There shall be a Chief Officer in every municipal borough. Such officer shall be appointed by the municipality and no such officer shall be removable from office, reduced or suspended unless by the votes of at least three-fourths of the whole number of councillors."

Here, Sir, it is admitted, and it was admitted yesterday and it was admitted the day before yesterday, that the Bombay Municipal Corporation is certainly in point of education, progress, efficiency, and so on, far better than the mofussil municipalities—of course, I don't want to run down the mofussil municipalities—not because of any faults of the mofussil municipalities, but because of the circumstances. The choice in the case of the Bombay Corporation is to be made from the members of twelve lakhs of advanced citizens, and naturally, therefore, this body is more educated than the smaller municipalities in the districts. Government is going to discuss in this very Council, they are introducing a bill

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giving this power of appointing the Chief Officer to municipalities such as of Ahmedabad, Surat and other places—the power of appointing the Chief Officer without any control or approval from the Government. I say, Sir, I am asking less than that, namely, the power to appoint the Municipal Commissioner, but subject to confirmation and approval by the Government, while under the bill which is going to be discussed in this very Council the power of appointing the Chief Officer is being given to the municipalities without any confirmation or approval from the Government or from any other outside body. I now put it to the honourable members on the other side and put it to this House: How can they distinguish the case of the Bombay Municipality from other municipalities and the Improvement Trust Board? I can distinguish it in a way favourable to the Bombay Municipality. Certainly, the claims of the Bombay Municipality are higher than the major municipalities in the mofussil, while this municipality is the only one probably not only in the Bombay presidency, but probably in the whole of India, which has not this power. If you examine the Calcutta Municipal Act, you will find, Sir, that the Chief Officer—which is the same as the Municipal Commissioner here—is appointed by the Calcutta Corporation. I understand, Sir, that the Madras Corporation also enjoys the same privilege of appointing their Chief Officer. I do not think there is any other municipality in India except the municipality of the city of Bombay which has not got this power and privilege. And after all the certificate that has been granted by the Honourable the General Member and several other honourable members with the experience of the Bombay Municipality, I do appeal to them and ask: Does the Bombay Municipality deserve this treatment? In spite of what the President of the Corporation may say on the subject and in spite of what other members might say—to-day some people may be in power in that body, he may be a President, but to-morrow he may not be even a member of that body, it is not for them that I appeal, but it is for the municipality of Bombay, a corporate body which is in existence for so many years and which will be in existence for years to come—members may come and go, but the municipality will be there, and I say, Sir, there is absolutely no justification for Government refusing this claim, and I hope, Sir, that the House will feel it their duty to do justice to the municipality of Bombay in this matter as they are going to do for all the other municipalities.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Mr. President, the principle underlying the amendment is certainly a very good one but it is so as a matter of principle only. Nobody here would dispute the proposition that local self-government should be entirely free from external control. I am with the honourable mover of the amendment so far. But you have to take into account several other circumstances also. First of all, in our public institutions the management of public affairs on party lines is a novelty, it is a new feature in India. It is well known that in the Bombay Municipal Corporation there are several parties

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and I as a citizen find myself greatly perturbed at times when I read the reports of the proceedings of the corporation in papers. I do not understand which way the things are drifting. Therefore, as the matters stand at present, I do not consider it safe to entrust this power into the hands of the corporation. You must note that the Bombay Municipal Corporation has to take care of a very vast population amounting to nearly 12 lakhs. Its revenue, I think, exceeds 3 crores. Another fact is that, so far as I am aware, the disciplinary power which is reserved in respect of mofussil municipalities has not been reserved as regards the Bombay Municipal Corporation.

You will notice that the honourable member representing Bombay, South, has referred to the Bill No. XVI of 1925 which is to come up for consideration during this session. He has stated that even in the case of mofussil municipalities, they have been entrusted with the power of appointing their own chief officers, but I do not know if the honourable member has read the bill thoroughly. I invite his attention to sections 214, 215, 216 and 217 and onwards. All those sections refer to the power which a Collector, which a Commissioner and which even the Government do exercise in respect of mofussil municipalities. If they commit a blunder, the long stick of the Honourable Minister in charge of Local Self-Government will alight on those local bodies. Government have reserved the power of supersession or dissolution. I think that power is not reserved in respect of the Bombay Municipal Corporation. Therefore, I do not think that at this stage the power which is asked by my honourable friend should be granted by this House.

The second point I wish to draw the attention of this Honourable House to is as regards clause 2 of the amendment. It reads as follows :

"But he (that is, the Municipal Commissioner) shall be forthwith removed from office, if at a meeting of the corporation, not less than three-fourths of the councillors present shall vote in favour of the proposition in this behalf."

i.e., as regards his dismissal. Let me tell this honourable House that the quorum of the Bombay Municipal Corporation is only 20. At times there have been instances when the president has had to wait for several minutes, perhaps quarter of an hour or so, for the quorum, and if this clause was enacted, what would happen? Perhaps out of 20 members present at a meeting, 15 can be brought together and they can pass a resolution that the Commissioner be dismissed from the service. That is, fifteen members can at times out-vote the other 91 members during their absence. If that kind of state is to be allowed, especially in a body where there are parties, I think no public officer will be safe as regards the tenure of his office. With great respect let me tell him that to-day one party in power may dismiss the Commissioner, but to-morrow if another party comes into power it will retaliate in its turn and in that case where would the affairs of the first city in India be? These are very grave considerations and they must be weighed with great caution. For these reasons, though I am entirely in sympathy

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with the principle underlying this amendment, I feel it my duty in the interests of the masses to oppose this amendment in its present highly defective form.

Sir VASANTRAO A. DABHOLKAR : Sir, I rise to oppose the amendment moved by my honourable friend as it is not advisable for this Council to make any changes of this kind in the existing Municipal Act till the results of the next elections are out and a new corporation is formed. Sir, the honourable mover has referred to me in his speech as I was the President of the corporation when the correspondence was going on between the Bombay municipal corporation and Government. In those days it was rightly desired by the corporation that the power of appointing the Municipal Commissioner should vest in the corporation. I should like to enlighten my honourable friend that in those days the corporation consisted of 72 members and there were no party feelings. But now, as my honourable friend who preceded me said, there are party feelings.....

Mr. P. G. JOSHI : How many parties are there ?

Sir VASANTRAO A. DABHOLKAR : Two, the Nationalists and the Progressives.

If in the opinion of the honourable mover of the amendment he thought that the Commissioner had gone astray because he had said that the corporation desired to use Swadeshi goods as far as possible and to indianise the service, may I know why the mover of the amendment failed under section 54 of the Municipal Act to remove the Municipal Commissioner if he has not carried on the duties of the corporation faithfully?

Mr. K. F. NARIMAN : Because you were there.

Sir VASANTRAO A. DABHOLKAR : The interruption is quite justified, because had it not been for me, a member of the Progressive party, the traditions of the old corporation would never have been maintained. My honourable friend, the mover, has said that there are no communal feelings as far as the Bombay municipal corporation is concerned, but my experience is otherwise as regards the appointment of officers; he has cited the example of the appointment of the Deputy Commissioner. We appointed a Mahomedan as the Deputy Commissioner but still communal feelings were there. There were three candidates, one a Mahomedan, one a Parsi and one a Hindu, and it was found that all the Mahomedans voted for the Mahomedan candidate and with the support of the National party the Deputy Commissioner was appointed. Whatever the challenge may be, that was the result of their voting.

Then, Sir, the honourable mover has said that they had renewed the appointments of two European officers, namely, the Executive Health Officer and the Executive Engineer, but let the honourable mover say that it was unanimous or there was no attempt on the part of some members of the corporation to remove them. Though these officers had experience of the administration of the municipality, and they had served there for about five years, still there was some wisdom in the

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minds of some members who suggested that the places should be advertised and those who had served and had had experience should apply for the posts, but there was another section of the corporation who thought that when these officers had served the city, it was but right that their appointments should be renewed.

I should also like to refer the honourable mover of this amendment to the fact that in the year 1919 when we asked Government to transfer the power of appointing the Municipal Commissioner to the corporation we had no Minister at the head of the local self-government and inasmuch as the Minister is now elected or you can say is the people's representative, has not the honourable mover confidence in the Honourable Minister? He has said that when there is a difference of opinion between Government and the corporation, the Commissioner is likely to side with Government. My experience is to the contrary. I have found that whenever there is a question arising between Government and the corporation, the Commissioner always took the side of the corporation. Only in the last session of the Council, we had a bill to increase the stamp duty, and what happened? Government wanted to appropriate the whole of the stamp duty but the Commissioner wrote to the representatives of the corporation on this Council that they should support what the corporation had passed in their meeting. On these grounds can my honourable friend, the mover of this amendment, say that the Commissioner has not acted faithfully towards the corporation? Sir, my honourable friend on my right (Mr. A. N. Surve) in opposing the amendment, has said that he was surprised how matters of the corporation were carried on. I do not think that he should pass sleepless nights over that, or that he should have anxious moments about it. He said that sometimes there is no quorum for meetings. That is absolutely incorrect. On the contrary, we always have a quorum.

An honourable MEMBER: The President has to wait.

Sir VASANTRAO A. DABHOLKAR: Never. Then the honourable member has said that sometimes fifteen members may be present and they may bring a vote of censure on the Commissioner and remove him under section 54. But the honourable member who preceded me must understand that twenty members must be present for a quorum and when there is no quorum no meeting of the corporation can be held. Under these circumstances, I think that it would be wise on the part of the Council to throw out the amendment of the honourable mover.

Mr. S. K. BOLE: Sir, I am in favour of giving the right of appointing the Commissioner to the Corporation (Honourable Members: Hear, hear) but I would wait till an adequate number of the representatives of the backward communities are on the Corporation. I am afraid, if the power of appointing the Commissioner is given to the Corporation at present, it is likely to be abused. Sir, from my experience, I can say, with due deference to the Honourable the General Member, that even minor appointments are made either on party lines or on communal lines. When there is a Swarajist candidate, the Swarajists will vote

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for him solidly, without any regard for his qualifications. So also, when there is a Parsi candidate, the Parsis will vote for him, and the same is the case with the Gujarati Hindus, and my Mahomedan friends are also following in the footsteps of the advanced communities. So, I say, it is better to wait. Everything now depends on canvassing and the influence of the candidates' supporters, without any regard whatsoever to the interests of the city or to the welfare of the ratepayers. Under these circumstances, I submit that matters should be left where they are, and the amendment of my honourable friend Mr. Nariman should be thrown out.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, the question which arises in connection with this matter is whether we are progressing or whether we are going to be reactionary. We have progressed to the extent of having an elected majority in the Corporation now. That having been achieved, I do not see why they should take up a reactionary attitude by making common cause with Government. They want the power of appointing the Commissioner to rest with Government, so that they may secure an officer of their liking. If the Swarajists are in the majority in the Corporation at present, they have come by election. Those who oppose the amendment do not want to go to the electorate, appeal to them, and get returned in a majority, and also have the power of appointing the Municipal Commissioner, but they want to leave the power in the hands of Government. So, I ask, are they progressing, or are they going to be reactionary?

Another point that was raised was that there is hardly a quorum for the meeting of the municipality, but my experience is different. Whenever there is any item on the agenda as regards the appointment of any officer in the municipality, there is hardly any member absent; probably if any one is down with a temperature of 107 he may not come. Almost all the members try their utmost to attend the meeting. Everywhere it will be found that whenever any appointment is to be made every one is interested in the affair and attends the meeting; so, there is no complaint about quorum.

Another point that has been made is that the majority abuse their powers. But the powers will always be abused by the majority in the opinion of the minority. For the last 100 years and more it has been said by the minority that the majority has been abusing their powers. The question is whether democracy has come into power. Formerly, when the power was in the hands of the people who oppose the amendment, they said that they ought to have the power of making this appointment, and now when they are in a minority, they think that the party in power at present is not fit to do so. Such a state of things will always exist, even if hundreds of years were to pass. Does my honourable friend Mr. Bole think that the time will ever come in India when all the parties will be absolutely united? I think that time will never come. There is always bound to be a dissatisfied minority. If you want that the power should rest with the democracy and the government should be indianised, then you have to undergo these difficulties and to suffer

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and you must make yourself agreeable to the conditions, even though you are in a minority. You cannot help it. By taking up a reactionary attitude, even if you try to postpone this for some years, you will never be able to postpone it for all time. That is all that I have to say on the amendment.

Mr. R. S. NEKALJAY: Sir, I do not want to take up much of the time of the Council on this question. This question was thoroughly discussed in the select committee, of which I had the honour to be a member. The honourable mover of the amendment has not explained to this House as to why he wants to amend this clause, and to give the power of appointing the Municipal Commissioner into the hands of the Corporation. As has been pointed out by a previous speaker (Sir Vasanttrao Dabholkar), we are having two parties in the Corporation and several questions are dealt with on a communal and party basis. If this power is vested in the Corporation, the appointment of the Municipal Commissioner will be dealt with on party or communal lines. Sir, one of the party may bring forward a candidate for the post of Municipal Commissioner who may have the whole alphabet after his name as degrees of Universities, foreign or Indian, but he may not have the necessary qualifications, he may not have the necessary experience, and yet he may be selected by the Corporation. Then in such a case what will be the position of the Corporation in the case of a charge of misappropriation of public funds? The man whom the Corporation have taken the responsibility in appointing may not have the necessary experience although he may be holding a number of degrees. But in the case of such an appointment being made by Government, Government will look to all the qualifications, and select a man who has worked for a number of years in the Civil Service, or a man who has spent almost all his life in the civil administration of this presidency.

My honourable friend the mover of the amendment has nothing to say about the past Municipal Commissioners as they have done their duties conscientiously and creditably which could be judged from the records of the Corporation. In performing the heavy administrative work of a city like Bombay, was there anything wrong on the part of any Municipal Commissioner in the past or were they at any fault? The answer to this is "No". So, as they have not been at any fault, and as the administration was carried on as smoothly as possible, I do not think that the clause need be amended. With these words, I strongly oppose the amendment of Mr. Nariman.

Dr. M. B. VELKAR (Bombay City, South): Mr. President, I rise to support the amendment moved by my honourable friend Mr. Nariman. The last speaker told the House that the mover of the amendment did not tell the House why the corporation wanted to have the power vested in it. To my mind my honourable friend Mr. Nariman has given sufficient reasons why this power should be vested in the corporation.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Does the corporation ask for it?

Dr. M. B. VELKAR : The corporation has been asking for it for the last so many years.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I might be allowed to intervene for a minute, Sir. I understand the corporation has passed a resolution that they do not want this power and communicated it to the president of the select committee.

Dr. M. B. VELKAR : I would point out to the House that that resolution was brought before the corporation as an urgent matter, it was sprung on the corporation and nobody was prepared for it, and it was passed by majority of a few votes.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : May I know the voting ?

Dr. M. B. VELKAR : By majority of six or seven votes.

May I tell the House also that at the time this resolution was passed, the attendance of the corporation was only 52 or 54 out of a total number of 106 ? Therefore, this House can take it from me that when the corporation gave its last opinion it was done by the majority of only a few votes, and that it was not the deliberate opinion of the corporation as a whole.

To my mind, it is clear that this power should be vested in the corporation. We have now a democratic franchise. To my mind, for an institution to be really democratic it must have its executive fully under its control. Now what does happen under the present municipal constitution is that the commissioner is appointed by the Government and the corporation pays him his salary. In addition, under the constitution, in the commissioner are vested all the real executive powers of the corporation and other powers also quite independent of the corporation and the corporation thus becomes purely a deliberative body. And since it has no control over its own officers, the local self-government in the city of Bombay, as my friend Mr. Nariman pointed out, is a mere sham. Not only the commissioner but even the subordinate officers in service do not consider themselves responsible to the corporation.

Now, Sir, I may give only one glaring instance to show how the real mind of the people is not thus represented in the administration of the municipal affairs of the city. And this happened because of the rotten constitution notwithstanding the fact that the present municipal commissioner is oftentimes amenable to the influence of the corporation. That instance will show how the municipal commissioner and the subordinate officers have been acting against the wishes of the corporation. Messrs. Braithwaite and Company are contractors to the corporation for the supply and laying down of pipes for the Tansa Completion Works. Messrs. Braithwaite and Company claimed a certain increase of rates under the draft contract, and the matter was referred to the solicitors. The solicitors gave their opinion that the company had no claim. The commissioner overrides this opinion ; he says the company's claims were just and therefore Messrs. Braithwaite and Company should be paid the amount. The company say that the matter should be referred to arbitration, but the commissioner says that no arbitration is necessary and the corporation should pay what the company claims. This sort

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of thing is not confined to the commissioner alone; it goes down to the other subordinate servants also. (The Honourable Khan Bahadur Shaikh Ghulam Hussain: May I know what the corporation ultimately decided?) Even the subordinate servants do not consider themselves responsible to the corporation. In this particular case, while the matter was before the standing committee and they were considering the matter, the executive engineer and the chief accountant go to the length of writing to Messrs. Braithwaite and Company telling them that their claims are just. This was done, because the superior executive officer gets his appointment from the Government and he does not consider himself the servant of the corporation, and his subordinate servants imitate him. Therefore, this House should consider whether the time has not come when the power of appointing the commissioner should be given to the corporation.

An argument has been urged by members who opposed the amendment that there are communal differences in the corporation. But as my honourable friend the General Member pointed out, even though there are several communities in the corporation still the corporation affairs and appointments are not swayed by communal considerations.

I want to ask honourable members who are against this amendment, why they oppose this amendment at a time when we are saying that we are fit for self-government and that we have arrived at a stage in the affairs of our country when we must control the executive—for by self-government we mean that the executive should be placed under the control of the legislature. I do not understand therefore why they oppose this amendment. I hope that this House will give its full support to the amendment moved by the honourable mover Mr. Nariman.

Mr. S. S. DEV (West Khandesh District): Sir, it is a painful sight for a mofussil member like myself to see. In the mofussil they do not fight so much. I now see that if to-morrow the question of the grant of Swaraj be taken up for discussion in this House I feel certain that the House would vote against it on the ground that there are parties in the land! That there are parties in the corporation is no ground for voting against the amendment of my honourable friend Mr. Nariman. To-day the stronger party may carry the day, to-morrow the weaker party will have its turn. Because I cannot have the loaf, I shall not allow you to take it, let it rather go to the dogs, is a suicidal policy. Such an argument is not justifiable. This deplorable attitude of some of the honourable members puts me in mind of a proverb in Marathi,

तुला न मला, घाल कुज्याला.

Let us not behave like that. Let us give the power of appointing its commissioner to the Bombay Corporation.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I have been very much influenced by the eloquent speech of the honourable mover of the amendment. But I would like to put one question before I support him. I understand that there are great interests of Government to be safeguarded in Bombay city, and therefore it is absolutely necessary

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that Government should have some power over the municipal administration. My honourable friend has pointed out that while every other municipality enjoys the power to appoint its own chief officer in the presidency, it is strange that the Bombay Corporation should be deprived of it. I would like to know from him whether he is prepared in the case of the Bombay Municipality to give Government the same powers of control possessed by Government in regard to the other municipalities to safeguard its interests. If he endeavours to answer that question to my satisfaction, I will support him.

Mr. C. M. SAPTARSHI (Ahmednagar District) : Sir, we have been told by the leader of the non-Brahmin party and my benighted friend Sir Vasant Rao Dabholkar (Laughter)—I should have said “knighted”—that we should not give this power to the corporation. Sir, for the moment I doubted whether I was sitting in the new Council under the reformed constitution. For the moment I really doubted whether we were going to have any political advance in this country. Sir, I think honestly that we are making a very sorry exhibition of ourselves before our constituents, when people who have been several years members of the corporation say that they are not in a position to appoint their own officers. To say that we feel on communal lines is distinctly to say that we are unfit to exercise civic rights, and therefore we are unfit for any political liberty whatsoever. Are we going to say, Sir, that the municipal corporation of Bombay is not even fit to appoint its commissioner? Is it an argument to say that because we have parties in the corporation, therefore the municipal corporation should not have the authority to appoint its commissioner? Why not abolish the corporation altogether if the corporation is not fit to appoint its own commissioner, and carry on the administration of the city of Bombay with a civilian? I may assure the honourable House that there are many competent and efficient civilians who would carry on the administration of the city far more ably than it is at present carried on. But that is not the question here at all. The question is how far the representatives of the people are to be associated with the local self-government of the city of Bombay? If after having worked its constitution for 15 years they would again say to this House that on account of communal differences they are not able to appoint its officers, I think it is better to put an end to all local self-government and to say that we are not at all fit for any democratic institution and that therefore despotism should be introduced. I think, Sir, that the people who advance this argument ignore altogether the fundamental principles of local self-government. We are nationalising and liberalising ourselves and we want to advance. It is possible in a few cases communal feeling might get the better of national feeling but therefore to say that we are not in a position to appoint our own officers because we have communal feelings, is to put the cart before the horse. It is only in this way that we learn to advance. Therefore, those who have got the interests of local self-government at heart will support this amendment.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I appreciate the remarks of my honourable friend from Bombay, Sir Vasantao Dabholkar, that the traditions of the old corporation were preserved up to 1920. I think that was when he was the President of the Corporation and that then the traditions of the corporation were preserved and not when somebody else was President. So far as I think, Sir, then the activities of the corporation were more confined to the Queen's Road, Walkeshwar and Fort than anywhere else and it was for that reason among others that this corporation has been democratised. I was in the old Council which democratised this Act and I should say that the Honourable Minister thought that the corporation required expansion. To a man coming from mofussil it is rather strange to find members of a corporation like the municipal corporation of Bombay only deliberating on serious questions like members of a club having no responsibility. Again, we have heard of instances where the commissioner himself did not obey the orders of the corporation in certain matters and under these circumstances there is no reason why the Honourable Minister should continue to make the appointment of the Commissioner and not allow the corporation to make that appointment. The Honourable Minister has been here for the last five years and I should have thought he should have allowed the corporation to choose its own executive officer, and then there would have been no cause for complaint. Even in making the appointment the Minister has committed a mistake. He ought to have notified in the papers that the appointment of the Municipal Commissioner of the Bombay Corporation was falling vacant and I am sure experienced candidates who are likely to work satisfactorily in that post would have applied for it. In this manner the Honourable Minister should have made his choice rather than allowing the post to be reserved for members of the Civil Service.

Now as regards the penal clauses that are in the mofussil Act and not in this Act, I may say that I am personally against these clauses myself, but the very fact that these clauses do not occur in the Bombay Act shows that the Bombay Municipal Corporation deserves something higher than the mofussil municipalities. With these remarks I support the amendment of my honourable friend.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Sir, I rise to support the amendment that has been moved by my honourable friend from Bombay. Sir, it has been said that the corporation have now decided that the municipal commissioner should be appointed by Government. Well, Sir, I ask those members who put forward this plea whether it is honest to say that the corporation decided when the corporation meeting which decided that question was held not on a day when usually the corporation meetings are held. Sir, the corporation meetings are usually held on Mondays and Thursdays, but by some manœuvring this particular meeting was held on a Friday. (Sir Vasantao Dabholkar : Question.) It has been admitted that at those meetings when important questions are decided and specially when the questions of appointments are considered, the attendance of members was nothing short of 80 to 90 or at times 100, while at this meeting there were hardly 50 members present out of 106. Sir, I ask the Honourable Minister whether it is a

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fair thing for him to consider as the decision of the Corporation a resolution passed by the corporation consisting of 106 members with a vote of about 20 or 30 members, and whether it is a fair thing that the previous opinion of the corporation should be set at naught in that way. I also ask the Honourable Minister whether it is right and whether it is not a fact that for a number of years after the corporation asked the Government to invest them with the power of appointment of the commissioner that no such resolution was brought forward in the corporation until recently, and I ask the Honourable Minister whether he has made due inquiries why all of a sudden this resolution was brought in just before his bill was to be discussed. Then, Sir, I also wish to point out to this House that it has been said by my honourable friend Sir Vasantao Dabholkar that they did not object to this proposal and that they did want the corporation to appoint their own commissioner at a time when the corporation consisted of 72 members, that is, when there were a large number of Government nominees, J. Pa. or nominated officials in the Corporation. Well, Sir, I ask my honourable friend if he does not find a large number of honourable nominees at present in the Corporation then in all seriousness why has he been hanging in the corporation as a Government nominee; if in fairness he cannot do what he believes in the corporation, he must not be in the corporation hall and say that the present corporation is not a body fit for him to be in.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Was he not your elected president?

Mr. HOOSEINBHOJ A. LALLJEE: He was, but he says that he is now disgusted of the present corporation. Sir, it has been said that on many occasions there was want of quorum in the corporation. I ask any member of the corporation here to say whether any meetings were postponed for want of quorum during the last two years when even more than 40 to 50 meetings were held on odd days.

(After recess.)

Mr. HOOSEINBHOJ A. LALLJEE (Bombay City): Sir, when I was discussing the suggestion that had been made that the corporation has now decided that the Government should appoint the Commissioner, and when I was explaining that the meeting which was held and which recommended this resolution was not fully attended, I said that the meeting was called by manœuvring, but, Sir, I feel I must give an explanation as to what I meant by manœuvring and I am prepared to correct that mistake and I say that the meeting was called on an off-day but that the item was brought as an urgent item. Therefore, there was no manœuvring on the part of the President or any member. Sir, we have been told that the corporation has been exercising the power of appointing a number of highly paid officials such as the Executive Engineer, the Drainage Engineer, the Health Officer, and it is invariably and I think it has always been the case that the Government have accepted their recommendation. Even the present corporation has made these high appointments and Government have accepted them. I do not see, Sir, why doubts are being raised that the corporation will not

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appoint or nominate a person who will be fit for the commissionership of the Bombay Municipal Corporation. Sir, we have been given credit that we are carrying on the business of the corporation in a business-like manner and in a manner against which no one has got anything to say. If that is so, does the honourable House think or will it be led to think that the corporation are going to risk the whole of the municipal administration of the city by appointing an unfit person, and is it to be expected that the Government will allow such appointments to be made? My honourable friend Mr. Nariman has put a safeguard which I think Government benches ought to accept, and if they accept it and give it a trial, I think, Sir, they will be meeting the desire of the people of Bombay. Sir, my honourable friend Sir Vasantao Dabholkar said that as the corporation at present exists we do not want that power. Another honourable friend Mr. Bole said that as long as the depressed classes are in the minority we do not want this power. Now, Sir, when are we going to get all this? Sir Vasantao wants the nominated members and the J. P. members to be in the majority (Sir Vasantao Dabholkar: There are no J. P. members now); my honourable friend Mr. Bole wants that there should be a majority of the depressed class people! Well, Sir, if we are going to descend into such arguments, then we can never have an improvement.

Then, Sir, it has been said that canvassing has been going on. It has always been the case, Sir, in the case of every appointment and I say, Sir, also that it is but natural that when the candidate happens to be a member of a certain community the members of the corporation of that community will work for him and place his qualifications before other members. But what is the ultimate result? The two important appointments that the corporation made recently clearly show that the appointments are not made on the communal basis or by manoeuvring of certain communities, because it will be admitted that the last two important appointments, of the Deputy Municipal Commissioner and of the Secretary, Schools Committee, were given to two prominent Mahomedan gentlemen, and the Mahomedan members are in a great minority. Well, Sir, if the corporation can make such appointments, I do not see why the Government members or other members should suspect that in the appointment of the commissioner they will not take due care. It has been admitted by the members of the corporation that the appointments which Government have been making for the corporation of the I.C.S. men have been most satisfactory and no one has brought a complaint. I think, Sir, that the members of the corporation even at present want the services of the I.C.S. men. Why should Government or anybody suspect that they will not ask for the services of I.C.S. men? If they want a fit person and if they find they can get him from the I.C.S. men, why should they not ask the Government for his services? And, above all, I have already pointed out that the appointment which will be made by the corporation will be subject to the approval of Government. Sir, the last appointment which was made by Government was the renewal of the services of our

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Commissioner. Of course, that appointment was made by the Governor in Council, and therefore, the argument that has been brought forward by my honourable friend Sir Vasantao that as a Minister has been appointed in charge of the Local Self-government portfolio it is not necessary that the corporation should now nominate or appoint their own person as Municipal Commissioner does not apply. Well, Sir, we have nothing to say against this appointment. As I have already said, whether these appointments are made by the Governor in Council or by the Minister in charge, we have found them up to now most satisfactory. Sir, I am a member of the Standing Committee and I may make an observation with regard to the remark that my honourable friend Sir Vasantao made with regard to a certain contract. I know, Sir, that the contract and the variation thereof was made by the Commissioner after taking the sanction of the Standing Committee. The matter was discussed in the Standing Committee and it was decided by majority and therefore there was nothing wrong. Of course, there do arise questions sometimes when the position of the Commissioner is very delicate and one instance I can point out, and that has been with regard to the collection of certain fines which under the Police Act Government imposes upon the Municipal Commissioner to collect and that was a duty which the Municipal Commissioner did not himself like to take up because he did not wish that his relations with the members of the corporation or the citizens of the city who were so well disposed towards the administration of the city should be prejudiced and he be made to do this unpleasant work. I do not want to say anything about the merits or demerits of those fines. But, all the same, because he happened to be a Government servant, he was bound to accept that duty.

Sir, then a lot has been said that the Mahomedan members or the Hindu members or the Parsi members have been voting for their communal people. Every election is by ballot and because certain members work for their candidate it does not follow, Sir, that they will be able to force others to give their vote for their own candidate, and if it at all happened, then I say that none of the members from the Mahomedan and Parsi communities would get an appointment because the Hindus are in a majority. But that is not the case. Then another thing is this, we have got in the election of these officers a system by which the candidates are eliminated and therefore the one who is left behind really enjoys the confidence of the majority of the members of the corporation.

Sir, I wish to make one suggestion to my honourable friend Mr. Nariman with regard to clause 14, sub-clause (2), where he says: "But he shall be forthwith removed from office, if at a meeting of the Corporation, not less than three-fourths of the Councillors present shall vote in favour of proposition in this behalf". Sir, as I have just said, it is possible that meetings may be suddenly called and the attendance may be very poor, and therefore, it is not at all prudent to have this clause and I should therefore like him to agree to the clause as it stands in the present Act by which sixty-four members' vote is required. I hope my honourable

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friend will accept this, and that will bestow further confidence in the honourable member's proposal.

Before I take my seat, I want to point out that even in Calcutta, as has been pointed out, the Chief Officer is appointed by the members of the Corporation and I am sure that this Council will not make the Bombay Corporation lower in the estimation of the public of Calcutta or of the whole of India, because, as a matter of fact, it is highly spoken of many times even in the House of Commons as a body which really does business in a business-like manner, by restricting their power in the matter of the appointment of the Commissioner, when as a matter of fact, their appointment will be subject to the approval of Government. With these words, Sir, I support the amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, before I come to the amendment, I should like to make a few preliminary remarks. The honourable mover of this amendment yesterday observed that this recommendation was made to Government in 1920. As soon as I assumed charge of local self-government in 1921, I was myself very anxious to democratise the Bombay Corporation. So, while going through various recommendations of the Bombay Corporation, I called for the reasons which prompted the Corporation to ask for a transfer of the power of appointing the Municipal Commissioner to them. That reference was made early in 1921, but even that democratic body slept over it, and sent a reply only towards the end of 1924. Such was the anxiety of that democratic body to get the power of appointing the Municipal Commissioner.

Again, what is the fate of that recommendation at the hands of the same democratic corporation? They say "we do not now want the right of appointment". So, Sir, I am on the horns of a dilemma. I do not know which is the right recommendation of the Corporation. First, they were so indifferent that they would not reply to our reference for over three years. Then they passed a resolution immediately rescinding their previous recommendation.

Coming to the amendment, I will first deal with clause 2 before I take up clause 1. The second clause of the amendment proposes the removal of the Municipal Commissioner by a vote of three-fourths of the councillors present at any meeting. The law, as it stands at present, lays down under section 54 (2) of the Act that the Municipal Commissioner shall be removable by a vote of 64 councillors. The law as regards a quorum is also very clear. It is laid down in section 36 that the quorum required by law for a meeting of the Corporation is to be of 20 members present, and I have heard from the speeches of honourable members of the Corporation that there have been occasions when not even 20 were present, and they have had to wait till there was a quorum.....

An Honourable MEMBER : Very few.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The honourable member who interrupts me himself admitted that during

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one year there have been nearly six such meetings. I have taken note of it, and the same honourable member, who is a member of the corporation, admits that there is a little bit of "manœuvring" as he termed it. When the quorum is of 20 members, and the amendment seeks to remove the Municipal Commissioner by a vote of three-fourths of the Councillors present, that officer could be removed by the vote of only 15 members. Is this proposal a fair one? Further, suppose there is a notice of a meeting. Seven days' clear notice is required. When the agenda is published, and the date is fixed, under sub-clause 36 (k), any member can give three days' notice to move any special proposition. The notice of that motion will be published in one of the vernacular newspapers one day before the meeting. Now, honourable members have experience of Bombay City and of the Bombay Municipal Corporation. In the winter season as well as in the summer season and during the monsoon, many of the members of the Corporation go out of the city of Bombay. Now there is a meeting fixed; the agenda that has been published is unimportant. One of the members, by manœuvring, such as is admitted by the honourable member, sends a notice three days before the date of the meeting. None of the other members will know anything about it till one day before the meeting when it is published in the vernacular press, and how are all the members that are away to run down to Bombay, to attend that meeting? The Municipal Commissioner could thus be easily removed. At the same time, the honourable member complains that, as they have Government officials as Municipal Commissioners, they (the Municipal Commissioners) are liable to removal. But what is his amendment calculated to do? Will it not tend to the removal of the Municipal Commissioner every three or four weeks, especially when there are parties, and one party appoints an officer and the other party takes the first opportunity to remove him?

Mr. HOOSEINBHOY A. LALLJEE: Has there ever been any instance?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The honourable member who asks me that question has himself admitted that there is manœuvring, and by manœuvring this can be done.

I now come to the main amendment of my honourable friend. I must tell this honourable House that I was myself very anxious at first when I considered the Bombay municipal constitution to transfer the power of appointing the Municipal Commissioner to the Bombay Corporation. It did seem anomalous to me, as it does to so many other gentlemen, including the honourable mover of the amendment, that, while the smaller municipalities can appoint their chief executive officers a corporation like the City of Bombay Corporation cannot. But the honourable member has failed to realise that the constitution of the Bombay Corporation is a peculiar one. I have studied several Acts of the local bodies in this country as well as outside India, but I have not come across any Act under which a Municipal Commissioner holds such a unique position as he does under the Bombay Act. Under the

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Bombay Act, the Corporation enjoys certain powers. Then comes the Standing Committee. Then comes the Commissioner who has by statute certain powers under the Act. These three co-exist under the Act and are yet independent. But, at the same time, the framers of the Act, while they have given very large powers and responsibilities to the Municipal Commissioner, have also provided effective safeguards against his being autocratic. I agree with the honourable mover and other members that he has very wide powers and at the same time very wide responsibilities. He is not only the executive head of the administration, but he is responsible for carrying out the provisions of the whole Act. He is, in short, responsible for the whole administration. This is his position under the Statute.

Then, if the honourable mover had read the Act carefully, he would have come across a section which contains a power to remove the Municipal Commissioner, by a vote of 64 members out of 106 members of the Corporation. Here the honourable mover and the honourable member opposite to me say that the Municipal Commissioner has sometimes defied the Corporation's resolutions. I am afraid this is not a good certificate to the existing corporators as it seems the present corporators do not assert themselves. If the Municipal Commissioner, who is their servant and whom they have the power to remove, has defied the resolutions of the Corporation, I am sorry to observe that they have not removed him. It would appear that the members of the Swaraj party have not discharged their duty properly because they did not remove him, with the power they have under the Act. But the inference rather is that he has not flouted their resolutions.....

Mr. M. R. JAYAKAR : So far as I am aware there is no Swaraj party in the Bombay city municipal corporation.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : There is the nationalist party. I cannot believe for one moment that the nationalist party would tolerate the disobedience of its servant. If the servant of any member of this House were to flout his wishes and disobey his orders, would he tolerate him for a minute? He would not. Therefore there is this safeguard of removal. I may also remind the honourable mover of another safeguard which is a very effective check on the Municipal Commissioner. He is responsible for carrying out the provisions of the Act, and he cannot carry out any provisions of the Act without supplies, and the supplies are in the hands of the corporation; and these can be refused, and his work thus made impossible. Not only that, but if they do not approve of any of his acts they can move a vote of censure against him, and discredit him altogether. I am sure that no self-respecting Municipal Commissioner would continue in office in the face of a vote of censure. Therefore, I can assure honourable members that there are sufficient safeguards. Besides that, the Municipal Commissioner cannot draw the maximum salary of Rs. 3,500 without the approval of the Corporation. Therefore, they have another safeguard, in the matter of sanctioning his increments. Now,

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Sir, all that I have heard said is that the Corporation is a deliberative body, and is helpless in its affairs; and that it is the Municipal Commissioner who is all in all in the administration. If his responsibility is admitted to be so vast, and he has to exercise wide powers under the statute, then is it in the interests of the city of Bombay to have his appointment made by 106 people? If his appointment is made by 106 people, can he carry out all his responsibilities and duties without fear or favour, independently and impartially? The honourable member wants to have it both ways. He wishes that the Corporation should have the right of appointment of the Municipal Commissioner, and that at the same time the responsibility for the performance of his duties should rest with him. I shall be very happy if he brings in a bill to amend the Act, by which the responsibility at present resting with the Municipal Commissioner is transferred to some one else. Then, by all means, have the power of appointment. My honourable friend cannot eat his cake and have it too. He says, let the responsibility for the whole administration of the city of Bombay remain with the Commissioner, but let his appointment be made by 106 people. I do not think that anybody who has such vast responsibilities can perform his duties independently and impartially, when he has to serve 106 people.

Mr. K. F. NARIMAN: By how many were you elected?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I have not to carry out the provisions of an Act.

Mr. K. F. NARIMAN: (Made an observation which was inaudible).

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The honourable member is creating unnecessary noise.

The Honourable the PRESIDENT: The Honourable Minister should remember that it is for me to say whether any noise is created in the House. It is not for him to have any opinion in the matter.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The Municipal Commissioner's position is unique. He has very wide powers and very wide responsibilities. Now, what does the mover of the amendment propose? He says, let us have the power of appointment, but let his responsibility rest with him. I think that is an absurd proposition. They cannot have it both ways.

The THAKOR or KERWADA: I should like to know from the Honourable Minister whether Parliament has not got the power of appointing officers.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: In Parliament, the party that is in power has the right of appointing officers, but the responsibility also vests in it. That is exactly my point. The mover of the amendment wants the power of appointing the Municipal Commissioner, but does not want the Corporation to undertake the responsibilities for the administration of the City. He says, let the responsibility rest with the Municipal Commissioner. The original

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intention of the Act was to give him the responsibility and let his appointment be made by an independent party. In carrying out his duties, he cannot act according to the wishes of this or that party.

Mr. HOOSEINBHOY A. LALLJEE : So, he pleases Government.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Another point is that the honourable mover and several other honourable members have compared the Municipal Commissioner for the City of Bombay with the Chief Officers of mofussil municipalities. These honourable members have not read the Act, I am sorry to observe. They do not know what are the relative duties and responsibilities of the Municipal Commissioner and the Chief Officers. The chief officer is not at all responsible for the whole administration. His position is quite different. Besides that, in the case of mofussil municipalities, Government have control in the shape of powers of dissolution and suspension and in several other ways. Now, Sir, my point is this : if the honourable member wants the power of appointment to vest in the Corporation, they must undertake the responsibility for the administration. Secondly, if the honourable member wants to have the power of appointment, he must give certain control to Government, who give grants to the Corporation in regard to certain matters, and also guarantee the loans of the Corporation to the extent of several crores, as well as the loans of the Improvement Trust for which the Corporation is responsible.

Mr. HOOSEINBHOY A. LALLJEE : Sir, I rise to a point of order. The Honourable Minister states that the loans of the Corporation are guaranteed by Government, but as far as I know, the last loan raised by the Corporation was not guaranteed by Government.

The Honourable the PRESIDENT : That is not a point of order.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I am sorry that some of my honourable friends who are members of the Corporation have not studied the Act. It is under the Act that the loans of the Corporation are guaranteed by Government. As I have stated, Government guarantee not only the loans of the Corporation, but also the loans of the Improvement Trust for which the Corporation is responsible. These loans amount to crores of rupees. So, when Government guarantee these loans, should not Government have some control ? Further, in the city of Bombay, there is not only the Municipal Corporation, but there are also other important interests. Thus, there is the Port Trust ; then Bombay is a great railway centre ; it is also a military station. All these interests are intertwined with those of the city. Therefore, it is necessary that, on behalf of all these interests, Government should have some control.

My honourable friends have then relied on the Calcutta Act. When the Municipal Commissioner for the city of Calcutta was appointed by Government, his duties and responsibilities were the same as in the case of Bombay. I would refer honourable members to section 64 of the Bombay Act, where the functions and duties of the Municipal Commissioner are defined. Now, if honourable members refer to the Calcutta

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Municipal Act of 1917, section 17, they will find that the functions and duties of the Municipal Commissioner for that city are identical. In fact, one section has been copied from the other. Now, when the duties and responsibilities of the Municipal Commissioner of the Calcutta Corporation were identical with those of the Bombay Municipal Commissioner, then in both places the appointments were made by Government. Now, I would refer honourable members to the Calcutta City Municipal Act of 1923, under which there is no Municipal Commissioner for the city of Calcutta at all. They have an executive officer, something like our chief officer. Now, if honourable members read section 52 of that Act, they will see that he has no powers under the statute. The section runs :

"The executive officer shall be the principal executive officer of the corporation and all other officers who are servants of the corporation shall be subordinate to him. He shall have the same right of being present at any meeting of the corporation or of any standing committee."

and so on. He has thus absolutely no power. Now, I might read to you section 17 of the old Calcutta Act :

"Subject, whenever it is in this Act expressly so directed, to the control or previous sanction of the corporation, and subject also to all other restrictions, limitations and conditions imposed by or under this Act, the entire executive power for the purpose of carrying out the provision of this Act shall vest in the commissioner, who shall also :

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this Act.

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, and, subject to the provisions of chapter V, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances and so on.

(An honourable member : Will the Honourable Minister point out the difference between these two sections ?). Under the new Act, he has no power at all, and he is not responsible for carrying out the provisions of the Act, and he has no responsibility. Therefore, my contention is that when the Municipal Commissioner was responsible for the whole administration in Calcutta, then Government had the power of appointment because it was considered necessary that the appointment should be made by an independent party. Now, when they have taken away all the powers and responsibilities of the Municipal Commissioner and converted him into a mere chief officer, they have transferred the power of appointment to the Corporation.

Then, Sir, my next contention is that the framers of the Act for the City of Bombay did not give any wide powers of control to Government, as they did in the Acts for the other municipalities, because the appointment of the Commissioner was to be made by Government. Let us go through any of the enactments for the mofussil municipalities. There Government have the power of suspension, dissolution and even the cancelling of any illegal resolution. Then see what are the powers of Government under the Calcutta Act of 1923. Under sections 14, 15, 16, 17, 18 and 19 of that Act, wide powers of control have been vested in Government. Thus, the sanction of the Local Government is required to projects costing 2½ lakhs or over. Is there any such power with Government under the Bombay Act ? Does my honourable friend desire

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that the Bombay Corporation should be placed in the position of the Calcutta Corporation in the matter of having to get the sanction of the Local Government for all schemes costing 2½ lakhs or over? Then, under the Calcutta Act, the Local Government has the power of getting returns, etc.....

Mr. M. R. JAYAKAR: What is the relevancy, Sir? I rise to a point of order.

The Honourable the PRESIDENT: The relevancy is that an analogy was drawn between Bombay and Calcutta and it was stated that Calcutta has the power of appointment of its Municipal Commissioner and Bombay has not. The argument was that because Calcutta gets it Bombay also should. The Honourable Minister points out the difference between the constitution of the Calcutta Corporation and that of the Bombay Corporation and shows certain directions where their powers are different. That is his reply to the argument raised.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: My point is this: that in Calcutta the power of appointing the executive officer has been given to the Corporation because the Government control there has been strengthened. When Government had the power of appointing the Commissioner, then they had no such control. The power is now reserved in Calcutta to the Local Government to depute officers to make examination or inspection and report, to require the Corporation to take action, to annual illegal proceedings of the Corporation, etc. In short, my two contentions are these: Firstly, the framers of the Act gave such wide powers and responsibilities to the Municipal Commissioner because his appointment was to be made by Government, which is an independent body. Now, similar powers were given to the Calcutta Municipal Commissioner when he too was appointed by Government. But when the Calcutta Corporation were given power to appoint their chief executive officer, all his powers and responsibilities were taken away from him and he was brought down to the level of the chief executive officer of our municipalities, whose appointment is made by the municipalities. Secondly, the framers of the Act did not give Government any wide powers of control over the Bombay Corporation because they had made provision that the Commissioner should be appointed by Government and there was therefore no necessity to give any wide powers of control to Government. In Calcutta, when the powers of the Municipal Commissioner were taken away and he was reduced to the status of a chief executive officer without any of the powers possessed by the Commissioner under the old statute, they transferred the power of appointment to the Corporation.

In fact, it is in the interest of the good government of the city of Bombay that this power of appointment should remain with Government. Unless the Municipal Commissioner is appointed by an independent authority, he cannot discharge freely and fearlessly all the duties that are imposed upon him under the Act. With these remarks, I oppose the motion.

Mr. M. R. JAYAKAR (Bombay University): Sir, I rise to support the amendment which has been moved by my honourable friend Mr. Nariman. I am in this happy position, that I am able to look at this question from the cold light of general principles, unfettered by any party prejudices. I do not belong to the corporation, nor do I belong to the party which my honourable friend the Minister described as the Swaraj party in the corporation. It is a misnomer, Sir, there is no Swaraj party in the corporation. There is a party called the Nationalist Municipal party, a large number of whose members are Swarajists in their political views. But that is only a matter of accident. Therefore the Honourable Minister in assuming that the Swaraj party here was endeavouring to support their colleagues in the corporation, was mistaken in his facts. I am in this happy position, Sir, that I am able to contribute an important point of view to the discussion of this question. I propose to put before my honourable friends a few considerations, which arise on the broad aspect of this question. My fear, Sir, is that too much heat, too much party spirit, in other words too much of the hot atmosphere of the Bombay corporation has been introduced into this Council in the discussion of this question. We have been told of quorums; we have been informed of the inability to get members; we have been apprized of patronage being exercised on party lines; and we have likewise been warned of a number of other things which are absolutely irrelevant to the point at issue. What is the point at issue? Here is a proposal which *a priori* is a step in the right direction, because it is a step towards giving larger responsibility, larger self-control and larger powers of executive action to the popular element in the corporation. That is the substance of this amendment. For the first time in the history of the local administration of the city of Bombay, it is proposed to give to the popular body the power of selecting their chief executive officer. That is the nature of the amendment. Therefore, examining the case on *a priori* grounds, it is I say a step in the right direction of the attainment of the true ideal of local self-government. If the honourable House looks back to the history of the development of local self-government, especially at the stage when the bill which ultimately became the Municipal Act of 1888, was on the anvil of this Legislative Council in 1887, the ideal of municipal self-government in Bombay was described by the Honourable Mr. Justice Telang (then Mr. Kashinath Trimbak Telang) in very apt words. This is what he said then that "the beau ideal of municipal government in the city of Bombay"—I just invite my honourable friend the Minister's attention to these valuable remarks—"My beau ideal of municipal self-government in Bombay is a strong and powerful executive coupled with a watchful and popular corporation giving full play to its good sense". Mark the words, Sir: "A strong executive working under a watchful corporation giving full play to its good sense". I regard this step therefore as one in the proper direction as towards giving the corporation larger opportunities of exercising its "good sense". I am sure the English members especially of this House, with their contact with the free institutions of their own country, will be in favour of this

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step. But we are told, Sir, that there are special circumstances why this *a priori* good step however desirable it may be on *a priori* grounds, should not be taken at the present moment. We are told, Sir, that there are special circumstances in the Bombay corporation of the year 1925, which did not exist in the year 1920. This is the whole argument of my honourable friend Mr. Bole and those who think like him. I was waiting to see what the Mayor of Bombay had to say, but somehow he has not chosen to speak so far, and I will not have the opportunity of answering his argument if he addresses this House after me. We are told that these special circumstances are two in number and are like cautions, or warnings along the road to self-government. One of these is said to be that there are "parties" in the corporation. I should have thought, Sir, that that was just the reason why greater responsibility should be given to that body. What is this "party"? I can speak freely because I am not a member of that party, though I am a very close student of public affairs in the city of Bombay. What is this party I ask. It consists of men who have anticipated future events, or in other words who have been wiser beyond their generation in organising themselves before their other colleagues could do so. They have done to-day what others would be doing a few years hence. That is my diagnosis of this "party", that they have been vigilant before their time. They are therefore by reason of their corporate organization in possession of the field sooner than their compatriots. As a student of politics, I hold, Sir, that the growth of one party is a necessary provocation to the organisation of another; I also incline to the view that the way to get rid of party tyranny and nepotism is not to deny power to those that exist but to organise rival ones. That is the way to meet the evil of parties. May I say, Sir, that I have the very good authority of the Bombay Government on my side, who in their report to the Muddiman Committee have welcomed the advent of parties in this House, and have frankly admitted that they would favour the growth of rival parties in this House. It causes me immense surprise that the Bombay Government, foreign as they are in the bulk of their personnel and to that extent insecure in public esteem, are not afraid of parties, and yet there are Indians who are afraid of groups of their own countrymen. Are Indian members going to be afraid of a development of which a foreign government are not afraid? When Mr. Montagu and Lord Chelmsford gave India the Reforms they were not afraid of "parties". They were told that there were Brahmins, Mahomedans and Hindus; but they were not frightened by that. I admire frankly, Sir, the Englishman's courage when he confesses that the only remedy against misuse of power and responsibility, even in India, is to have more power divided between rival parties. I remember, Sir, the late Mr. Gokhale used to be often told "You talk of democracy, but, it is an unsafe way. Go to the mofussil and see what is there". But his reply invariably was: "We have set our face towards democracy and it is now too late to turn back". Therefore I say, Sir, that, admitting the existence of a strong and selfish party in the corporation, what does it signify? I do not, Sir, share many views of that party and I am also

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aware of some evils of public life, for which that party is mainly responsible. But what does that indicate? Examined at close quarters the argument comes to little. Will this honourable House note that this party which for the moment happens to be in power is not a permanent phenomenon. May I say, Sir, that the party to which my honourable friend from Bombay, Sir Vasant Rao Dabholkar, belongs and to which Mr. H. P. Mody belongs can be made equally strong, if these gentlemen will only take more trouble and forsake their leisure? The day is not distant when the nationalist municipal party will be opposed by an equally strong party. I am sure the day is fast approaching. Therefore, I say, that the cry of "parties" need not frighten us. Let us assume that the nationalist municipal party will corruptly carry on the administration and will have their own favourite as the municipal commissioner. If their behaviour is flagrantly corrupt and prejudicial to public interests, it will soon meet with its punishment. In public life, Sir, reaction of feeling is the only sure safeguard. It no doubt takes some time, but none the less, it is the one sure remedy and not an old-womanly fear withholding legitimate power and responsibility. The remedy lies, Sir, I confidently assert, in greater confidence, in boldly plunging forward, taking steps to adopt proper safeguards. It is often suggested in this House, Sir, that the Swarajists are afraid of rival organisations. No. Speaking as a man who has got their lead for the moment, I welcome the growth of other parties, because I feel sure that out of their struggle, truth and progress will emerge. Therefore my suggestion is that this House should not be frightened by this cry of "party". The remedy lies in going forward and not in holding back. How long are we Indians going to have this Government to watch over and protect us against our countrymen? To me, it was a most demeaning spectacle, Sir, that in the whole of this bitter debate no Englishman has taken part. Has it struck this House, that out of these experienced officers of Government in front of us, with 25 and 30 years' experience behind them, who have spent a large part of their life in the service of this country, none has spoken in this debate! What a sight for the Englishman opposite that on the mere question of the appointment of the municipal commissioner by Indians, subject to the veto of Government, Indians fight like enemies, mutually destroying each other. As I sat listening to this debate this spectacle struck me as perhaps the most painful feature of this acrimonious debate. I am sure there are many Englishmen on the opposite benches who agree with me and would show this by their open vote if only they could do so.

I have no doubt in my mind about this, because I can realize what their unfettered sentiments must be. But what a sight we Indians present? One member says 'oh, the non-Brahmins!'; others say 'oh, the Mahomedans!': I say, Sir, that if there are to be all these bickerings over this small trifle of the appointment of a commissioner, when the occasion comes when we sit down for real Swaraj, as we hope to do one day, with the fewest Englishmen amongst us, what will be our quarrels and bloodshed? Therefore, my submission to this House is not to be misled by the peculiar atmosphere of the present Corporation, which has been let

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into this House, rather too freely. I ask this House not to be frightened by *a priori* apprehensions based on timidity and suspicion? I will give my honourable friends one or two instances proving how often such apprehensions prove to be wrong. When the leader of the Nationalist Municipal party became the president of the corporation what whispers and shakings of the head took place; what curious prognostications were made about the disaster and ruin likely to overtake Bombay? Many responsible papers wrote that Bombay would no more be the safe city that we have known for years. And yet what was the result? I am told the person concerned became such a great favourite with the commissioner that the commissioner wanted his tenure of office to be renewed!—I am sure the reason was that this practical Englishman soon discovered that the Nationalist president could “deliver the goods” as nobody else could; and the commissioner could also know that it was safer and better to deal with this man and pocket thereby a whole phalanx of opposition. I am told that the president in question was a great favourite with the executive because he could get things done faster than most people, because of the strong organization behind him. When his office terminated he was given a dinner, as this House is aware at which my honourable friend Mr. Baptista who does not belong to his party spoke about the glorious services of the president. I must say, Sir, I was surprised to hear him say so. But what does this all indicate? That all such fears based on timid political anticipations should have no important place in the consideration of these questions. Do we not still remember what the fear was when we Swarajists entered this hall? Shall I tell my honourable friends a pleasant secret? A Member of Government, whom I knew outside this House, came to me as I entered this House for the first time and said: “Do you think it will come to this that these inkstands will be hurled at the heads of the Members of Government?” (Laughter). His fear was that the Swarajists’ coming into this House were going to behave like rowdies, as they do in some European legislatures—a typically anticipatory apprehension. Has this fear been justified by the events? I do not take credit for it but this House will vouch that we have proved ourselves to be as honourable and responsible as, if not more than, any members of this House. Therefore, my submission to this House is: Do not be led away by these *a priori* fears or considerations. Not that there may not be some temporary difficulties. They are bound to arise, but will find their own solution. How long is this Government going to be our protector? I am sure 1929 will see the end of a very large share of the power of this Government. How long are we therefore going to depend upon strangers to protect us? Do we want this government to perpetually exist as a *mumbo jumbo*, to chastise us whenever we go wrong? To say so is to deny the very foundation of Swaraj in this country. Therefore, my submission to this House is: “Go boldly forward and do not look back.” I admit that there are faults. I admit, for the sake of argument, that for the next few years nepotism may prevail, that the Nationalist Municipal party will, *e.g.*, put in a Gujarati Hindu as the municipal commissioner, I assume all this for

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the sake of argument, but notwithstanding this I say 'go forward.' I believe Sir that the political forces of a democracy cannot long be the monopoly of a single individual or group. Nemesis is always on the watch, and whenever mistake or corruption is rife it seeks its own reprisal. Those students of human affairs who are trained to take long views will agree with me. Therefore, let us take long views of such questions and try to look far beyond the limitations of narrow and petty personalities. There may be a temporary domination of one party by another. But that must be so under a party system. One party may be in power for a time and dominate other parties; another party may be in power at another time. Has it not been like this all over the world? The remedy lies in each section having its own organization. That being the nature of the remedy, my submission to this honourable House is not to be led away by these narrow considerations, but to keep clearly in view the fact that the amendment proposed is a step in the direction of what Mr. Telang laid down as the ideal of local self-Government.

Then, I will say a word with regard to the argument used by the Honourable Minister for local self-Government. I could not follow him in all the arguments he used, but I think they come to this: He says in effect that in Calcutta, as long as the commissioner was the repository of real control and power, his appointment was with Government, and that it was only when that control and power were taken away from the hands of the commissioner, that the power of appointing him was given to the municipality. In other words, his argument comes to this: that he is prepared to concede the power of appointing that officer to the corporation so long as the commissioner is a powerless entity, but the moment he becomes endowed with power and control, that power must reside in the hands of a foreign Government. This is the substance of what the minister has said. I tried to follow his argument very carefully. He made his meaning clear by reference to sections of the Act. But the necessary corollary of this argument is that the Honourable Minister for local self-Government would be willing to concede to the popular element in the Bombay corporation the power of appointing the municipal commissioner in those cases only when that officer was a mere non-entity, not possessed of any real power. Well, I submit, Sir, that his is a dangerous doctrine to propound, that popular rights should advance only in the ratio of the impotency of the people who are called on to exercise them. Therefore, I submit Sir that, so far as any real argument has been urged in this House in the course of the debate, it amounts to nothing more than an empty fear that there is a party in the corporation which will temporarily retain its supremacy. I am sure, Sir, the supremacy, if at all, will be only temporary. It will soon provoke a reaction. If my honourable friends Mr. Bapista and Sir Vasant Rao Dabholkar would trouble themselves to start a party, I certainly think they would succeed. I feel certain, Sir, that Hindu or Mahomedan, Brahmin or non-Brahmin, all these are evanescent developments. Our way lies through discord. Unity is often the outcome of acute discord. Sometimes the discord has to be

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made more acute that it may end the sooner. If Hindus organise, Mahomedans must organise too. Let the two organisations come in to conflict for a time. There will be a tussle, and out of it mutual respect and recognition will grow. They will soon discover that it is bad for them to fight each other. I would therefore ask this House to support the amendment moved by my honourable friend Mr. Nariman.

The Honourable the PRESIDENT: I have received notice of two amendments to this amendment. There is one aspect of the question to which I should like particularly to draw the attention of the House, though it may be that I have already done it more than once. We have got such a big agenda to go through that if we go on discussing each clause, however important,—and no one realises more than I do the importance of the issue that is raised in the present amendment—at very great length, the session will be unduly prolonged. I trust that the discussion as it has proceeded will have satisfied honourable members and will have helped them to come to a decision. As notice has been given of these two amendments, I wish to appeal to both the honourable members concerned to be very brief. After they have spoken, I will allow the president of the corporation to have his say as he has been getting up recently, and I understand that the Honourable the Finance Member wants to make a brief speech on the financial aspect of the question. After that, I hope honourable members will get to vote after the two replies from the mover and the Minister. That will give us more than sufficient discussion in my opinion. I hope honourable members will respond to my appeal and curtail further discussion.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I had no intention to speak after the discussion that has gone on, but one thing that influenced many members on this side of the House while opposing the amendment was that the amendment enables $\frac{3}{4}$ ths of the members present to make it possible at a meeting of the corporation to remove a municipal commissioner. The provision is one that cannot be easily accepted, as it is considered to be too dangerous for the safety of any self-respecting municipal commissioner, to serve under this possibility. This seemed to be a serious stumbling block in the way of many honourable members on this side, in accepting Mr. Nariman's amendment. The amendment of Mr. Nariman is divisible into two parts. The first part relates to giving power to the municipality to appoint its own commissioner with the consent or approval of Government. The second part makes him removable with the sanction or with the vote of $\frac{3}{4}$ ths of the members present. As in the case of mofussil municipalities and in other similar situations, in order to ensure the safety of the executive head of the department, a provision is made that $\frac{3}{4}$ ths or a certain proportion of the whole number of councillors ought to resolve to dismiss that servant, it is but fair that that portion of the amendment of Mr. Nariman that reduces the safety should be removed and that the provision which already occurs in section 54 of the Act should be

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allowed to remain to a certain extent. My amendment, therefore, is that while retaining paragraph 1 of Mr. Nariman's amendment, it does away with paragraph 2 of his amendment and substitutes this:—

"But he shall be forthwith removed from office if at a meeting of the corporation not less than 64 councillors shall vote in favour of a proposition in this behalf."

This reproduces the provision that the Honourable Minister has already placed in the existing Act under section 54. Instead of having $\frac{3}{4}$ ths of members present, I only substitute 64 out of 106 which represents a little less than $\frac{3}{4}$ ths of the members that should be able to remove him. It is the primary right of an employer to remove the employee whom or for whom he pays. This is the elementary principle of employment of a servant and if the municipality is to be compelled to pay for its servants, it is but fair that that body or that person should be empowered to remove its servants. It is on this elementary principle that I come before this Council for this amendment and I request this Council to carry this amendment. Sufficient safety is secured by this provision. If 64 out of 106 members do not want a municipal commissioner, then he is not fit to remain in office. I may bring to the notice of this House that a similar provision exists in the District Municipal Act and it is applicable to major municipalities and other municipalities and that is in Act III of 1901. It has been in existence for the last 24 years and up to the present day, during the last 24 years, I will challenge any member of this Council including the Honourable Minister to give me one single instance in which a chief officer has been removed by three-fourths of the votes of the whole body. No such power has been exercised, no such power is possible to be exercised except in the case of an officer who is absolutely unfit and who is altogether unable to perform his duties. I am not going to say anything as regards the increase of responsibilities as mentioned by the honourable member for the Bombay University, but I only say this that this is a matter in which the Honourable Minister, who from time to time while introducing the last City of Bombay Municipal Act Amendment Bill, while supporting the Primary Education Bill and while introducing the last Local Boards Bill, intended to democratise local bodies, in the same spirit is taking away from these democratic bodies a responsibility which by nature and by ordinary course of things belongs to them because they pay for that person. I therefore place this amendment before this House which makes it possible that 64 members combined to vote one way to remove a municipal commissioner, should successfully do it without the intervention of the Government of Bombay. So far as the fitness of the future occupant is concerned, we have got the provision for approval of Government to the appointment to be given. So, all the safeguards which the Honourable Minister wanted to be placed over the appointment of the municipal commissioner are there, they have not been removed, they are not going to be removed, either over the appointment or dismissal. With these words, I place my amendment before the House provided the honourable mover accepts it.

The Honourable the PRESIDENT :—

The amendment to the amendment is as follows :—

“ For sub-clause 2 of the amendment substitute the following :—

“ But he shall be forthwith removed from office if at a meeting of the corporation not less than 64 councillors shall vote in favour of a proposition in this behalf.”

Mr. K. F. NARIMAN : I accept the amendment proposed to my amendment.

Question put and leave granted.

The honourable member Mr. Nariman's amendment was amended accordingly.

Mr. J. BAPTISTA (Bombay City, North) : Sir, I should like to make it very clear at the very outset that I am not speaking in my character as the President of the Bombay City Municipal Corporation.

The Honourable the PRESIDENT : We know you are speaking as a member of this Council.

Mr. J. BAPTISTA : I am speaking as the representative of Bombay (North) just like my honourable friend representing Bombay (South), but the only difference between North and South is that the North is wiser than the South. I also recognise that there are at least two parties in the Bombay corporation at the present moment, but I belong to none of those two parties, one of which is known as the Municipal Nationalist party and the other is known as the Progressive party. So far as I can see, both those parties are progressive parties but the only difference is that they at times progress in the direction of the tail.

So far as this proposition is concerned, I should like to say at the very outset that I do not think that any one can charge me with not being democratic. Thirty years ago I advocated the transfer of political power from Government to the people upon the basis of “ Trust and Fear Not ”. Years ago, I advocated the formation of the Indian Home Rule League for the purpose of getting that power transferred and at that time I know Mr. Jayakar was even afraid to join the Indian Home Rule League. Therefore I hope the Council will give me credit that I am as democratic as any one of them can ever attempt to be. Nevertheless I oppose this amendment. Where ignorance is bliss it is folly to be wise. My point is this. In the first place, I should like to get rid of the arguments brought forward here for the purpose of advocating this change. I am sorry to observe that the debate on this matter has gone down to a low level. Charges and countercharges have been made amounting almost to the washing of dirty linen. I do not approve of it, and I am not going upon that basis at all. In the first place, I should like to draw your attention to this amendment which says that the corporation should have the power to appoint the commissioner, subject to the veto of Government. What can be more undemocratic than the veto of Government? I am sorry for the democracy of people who are ready to advocate this veto. I should like to do away with vetoes altogether. I should like also to have the power of the appointment of the Commissioner to rest with the Corporation, but when the constitution is changed. Some honourable members said that the Calcutta Corporation had that power, and there

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was no reason why the Bombay Corporation also should not have that power; but the Honourable Minister pointed out that the Calcutta Corporation to-day has no power to sanction works exceeding Rs. 2½ lakhs without the sanction of Government, whereas the Corporation of Bombay can sanction works worth 5 crores without the sanction of Government and he says, therefore, do not copy the Calcutta model. That is the argument which the Honourable Minister advocated, which my honourable friend Mr. Jayakar, with all his logic, was unable to appreciate. The Honourable Minister has given us a much higher model, and I should like to have a much higher model than the Calcutta model for Bombay. My friend Mr. Jayakar gave the instance of Mr. Justice Telang. But Mr. Justice Telang was a powerful executive. Sir Pheroze-shah Mehta was a powerful executive, with unity of responsibility and not divided responsibility, because he strongly opposed even the appointment of Deputy Commissioner by the Corporation of Bombay. Do you think that you could get a more powerful executive than the Commissioner under the present constitution? Certainly not. At present the Commissioner can afford to be independent, and exercise power in accordance with the law, because if he is not satisfied he can revert to his service under Government and not be dependent. So far as the Corporation is concerned, I know this much that they are very anxious that the Commissioner should be an independent gentleman. But do you think that a gentleman on Rs. 2,500 or 3,000 can afford to be independent, if his appointment is to be renewed every three years? He will naturally be playing into the hands of the majority that may exist, merely for the purpose of securing his reappointment. By amending the Act in this way, I do not think that we are doing anything to improve the independence of the executive. I think, on the contrary, we shall have a Commissioner without backbone if that is done, and that is one of the reasons why I oppose it. You know very well, Sir, that the Corporation consists of two parts. In 1920 the Corporation passed a resolution advocating this change. In 1924, they stated the reasons for advocating the change, and at that time I wrote a minute of dissent, which is on record. So that, what the Council of 72 did is confirmed by the Corporation of 106. Only the other day, they reversed the decision. One might say the time arrived in 1920, but the time has passed away in 1925. What does the Corporation say? They say, we do not want the change until the very constitution is changed, and that is the fundamental thing. It was Sir Pheroze-shah Mehta and yourself, Sir, who advocated that the appointment of the Executive Engineer should be in our hands and the appointment of the heads of departments should be in our hands, but they did not advocate the appointment of people on Rs. 500 to be in their hands. Why not? Are the gentlemen present here more democratic than Sir Pheroze-shah Mehta or yourself? With regard to the appointment of the Executive Engineer they wanted to have trust in the Corporation, so that they will be able to appoint this officer without partiality on merits. Given that trust, they did not go lower down to appointments of Rs. 500. When you once go lower

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down, what happens? It becomes patronage, and in the exercise of patronage all sorts of corrupt practices come in, unless those who exercise the patronage are responsible. The fundamental principle of the present constitution is this, that full executive power is given to the Commissioner and his subordinates, and he alone is responsible for all executive acts. He is not responsible to any parties in the Corporation. The Corporation controls him by the power of the purse, and can remove him by a vote of censure. When there are parties, the parties will assume responsibility, and when the parties assume responsibilities for their acts, then you can advocate changes. At the present moment, a committee of the Corporation is sitting for the purpose of recommending a great change in the constitution of the Corporation. We all feel that the present constitution has become antiquated and that we must grow in the direction of democracy, but I do say emphatically that the power of patronage to appoint officers is not a step in the evolution of democracy. The House of Commons never claims or desires the power to appoint officers, and this House also does not claim or desire the power to appoint officers. The power of appointing is not a step in the direction of democracy. Democracy means that you have the power and you exercise that power on the principle of responsibility. So, I ask members here to wait. We are going to amend this constitution. At the present moment the Commissioner has certain powers, and we have got no power except a vote of censure by 64. My honourable friend Mr. Nariman accepted 64. I will tell you, and every one will tell you, and you know it that it is utterly impossible to get 64 gentlemen to join together to pass a vote of censure upon the Commissioner. If he is given the power for three years, he will be afraid and he will have no backbone, and therefore he will not be able to exercise that power with the independence and impartiality which we all demand. That is just the weakness. The Corporation at their last session passed a resolution that until the constitution is amended, they should not have this power. They are going to change the constitution, so that any party which is in majority will exercise their full party power, but party power on the principle of responsibility. They will be responsible for the acts they have done. At present it is not so. These appointments are made by ballot. Nobody knows how they vote. They are responsible to their constituencies. How do their constituents know how they have voted. Therefore, you will see that the very methods, the very rules and regulations under the Act are such that they are inconsistent with the principles of democracy. All that we are asked to do is to wait. We are going to amend the Act, and I am delighted that the Honourable Minister has gone so far as to say that he is quite prepared to give all facilities possible to amend the constitution, so as to make it a really democratic Corporation of Bombay. The president of the Corporation has absolutely no power. People say "We shall judge a person by his deeds and not by his words. But the president has no power at all; he cannot initiate measures, and, if I rightly understand it, he cannot even speak in public so far as the Corporation is concerned. He is not on a level with the present Lord

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Mayor of Calcutta. Our Lord Mayor, as my honourable friend stated, is an impotent fellow—I quote the words of my honourable friend Mr. Jayakar. I am quite sure if he discussed this matter with me, within one hour I should convert him to my view. I hope, Sir, that this House will accept my assurance in this matter, that we are quite convinced that the day is coming, and quite soon, when we shall appoint our own Commissioner, but he will have no executive power, and no legal rights vested in him, independently of the Corporation.

I do not wish to take more time. I hope I have spoken enough. I am not afraid of the people of the corporation. Some members said that I have been elected because I belong to a particular community. But I never took it in that light. I have not myself felt that. When there is a member of my community on whom trust and confidence has to be placed, I must feel that he is the best man: so with Hindus; so with Mahomedans; and so with Parsis. It is doing injustice appointing a wrong man merely because he belongs to a particular community. I deprecate that some people think in that way. I am sorry that we have dragged the corporation to the level of the fish market. I ask them to rise above that and not be afraid to accept this bill. The bill will, I am sure, accelerate the democratisation of the corporation. I therefore beg them to help me in this matter. They tie my hands down. If you want to help us to make the corporation a better corporation than any mofussil corporation, accept this bill, and it will accelerate democratisation.

The Honourable Mr. H. S. LAWRENCE: Mr. President, the eloquent and admirable appeal of the leader of the Swaraj party caused me serious alarm. I felt that he had touched the hearts of the members sitting around him and that the appeal which I now make to them to look to their pockets can only be regarded by them as a descent to bathos. I earnestly urge the members of this House to consider the possible financial dangers of the proposal. I am not sure that the members of the House fully realise the extent of the financial commitments of the municipality to Government, and those commitments will increase after we have passed this new Improvement Trust Bill. The present commitments of the municipality are in the neighbourhood of 20 crores, and will increase considerably when the new drainage scheme has been introduced. The commitments of the Improvement Trust are already 13 crores, and will go to five or six crores more before their schemes are completed. Sir, there are 40 crores of rupees for which undoubtedly a very serious responsibility will rest upon this House. Now, the honourable member opposite has asked you to regard the appointment of this officer by Government as an appointment by an alien bureaucracy. Sir, I deprecate that statement. I think it is entirely inaccurate. The appointment would be made by the Minister in the transferred department, the Minister who is responsible to this House. And I suggest it is of great importance that this House should retain in its power the right of advising and controlling their Minister in the appointment of an officer who is responsible for such enormous financial commitments.

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of the Government of Bombay. The honourable member opposite may say that these are the responsibilities of the municipality and not of Government. But I would point out that all recent loans have been obtained from the Government of India through the Government of Bombay, and it will be quite impossible for the Government of Bombay, and for this House, to dissociate themselves from that responsibility. I will not touch on the other questions (because they have been quite sufficiently debated) as to the period which must elapse before the protection of the interests of the non-Brahmins and Mahomedans and other minority communities in the city of Bombay will be safeguarded by the growth of their own organisations. Those matters I do not propose to touch upon. But solely from this financial point of view, I venture to ask the members of this House, other than those members of the city of Bombay, who have held the field to-day, to regard closely their responsibilities and not to lose sight of the chance that they may be very seriously affected if they part with the power which they now possess of selecting this particular official of the municipality of Bombay.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I am glad that the leader of my party, the Swaraj party, has lessened my burden by replying to all the previous speakers who said that I proposed this transfer of power for party advantages. Therefore, I will not touch upon that. I only wish to make my position clear. The Honourable Minister in opposing this amendment tried to make out that I was deprecating the services of the commissioners lent to the corporation. I made it quite clear that I moved this amendment merely as a point of principle, and I never alleged anything against the person of the commissioner, because I know that the commissioner is not here to answer the charges.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I never said a word about that.

Mr. K. F. NARIMAN: My intention in putting forward this amendment was not to imply anything against the commissioner personally. On the contrary, I made it clear that the commissioners have made efforts to carry out their duties faithfully, but that they have been placed in an embarrassing position. I did not propose this amendment because we were not satisfied with the actions of our commissioners. This House is not the place to mention those actions, because the commissioner is not here to answer. But we were fighting for a principle.

The most surprising of all the speeches was from the honourable president of the corporation. I am prepared to admit, and to give him the credit, that perhaps of all the non-official members he has been the first advocate of democracy. When we were school children attending public meetings, we have known him as a demagogue and a democrat who advocated self-rule and self-government. He has even gone to the length of saying that whatever may be the result of self-government, we should claim self-government as our birthright. But I cannot understand his attitude to-day. I really cannot reconcile his present attitude

[Mr. K. F. Nariman]

with his past attitude. For several years he has been advocating Swaraj and self-government not only for the city of Bombay but for the whole country of India. I have not heard from the honourable president of the corporation who has spoken here merely as a member of the Council a single argument against the transference of this power. He has made out a very strong case (and I hope it will appeal to the Government benches) for a change of the present constitution. And I join with him in that appeal. But because the constitution is not framed well, it is defective in certain aspects, he says "let us have more drawbacks; let it be made worse by not giving this power to the corporation". I have maintained from the very beginning, and I have made it clear in my dissenting minute, that whatsoever may be the constitution, the first step forward towards the improvement of the present municipality is the transference of the power of appointment of the commissioner to the corporation. That will be the first step that will leave the door open to future reforms. Unless this power is given to the corporation, I say, Sir, the other reforms will be delayed. Therefore if my honourable friend from Bombay (Mr. Baptista) wants the constitution to be reformed, I do urge him, I appeal to him once again, to reconsider his position and to adopt this reform as the first step towards the reform of the constitution, and I appeal to him all the more because I am very glad that as the President of the Corporation he has repudiated the very serious allegation made against the corporation to-day that on the point of appointment communalism and favouritism have prevailed. He has repudiated it strongly and I join with him there that there is no fear of any party favouritism. He is an authority on that point and he is the longest member of the corporation and also a gentleman who occupies the highest place in the corporation to-day, and he has repudiated the charge which the previous speakers have made. If you refer to the appointments recently made you will find that they have been made on no other considerations except the merits and the qualifications of the candidates. There is an instance in the recent appointment of the Deputy Commissioner and the Secretary of the Schools Committee wherein you will find that Hindu members have advocated the appointment of a Mahomedan candidate. If favouritism had prevailed, I may assure this house that the Mahomedan gentleman would have had no chance. Still I know that several Hindu members supported the Mahomedan candidates both for the appointment of the Deputy Commissioner and of the Secretary of the Schools Committee simply because they believed, although there were Hindu candidates, they supported the Mahomedan candidate because they believed that on merits they deserved to be supported. After those two appointments, to say that the Bombay Municipality is guided by communal bias or favouritism is, to say the least, very ungrateful and undignified. Therefore, I say, Sir, after the appeal of the leader of the Swaraj party, I thought that the President of the Corporation might have changed his mind. The fear of the party ruling or the preponderating party having the voice in the hall is a matter of which we should not be afraid. What is the British Parliament?

[Mr. K. F. Nariman]

Is not there the party with the greatest majority in power and does it not turn out the previous party and make all the appointments of the Cabinet as well as the appointments of the ministers. That is the constitution which you want us to adopt. You say that we want to base the Indian constitution on the same lines. You want to encourage party feeling and when we want that encouragement and experiment to be tried you say that the constitution is such that under that you really cannot give us that power. I say, Sir, you have framed that constitution and so long as you allow that disability to remain in the constitution you have no right to say that we are not prepared to take that responsibility. I say we are prepared to take the responsibility but it is you who are not giving it to us. We are clamouring to have the whole administration of the country while you say we are not prepared to take this responsibility. This is the charge levelled by the members of Government at us, and I say it is Government who are not willing to give us that responsibility because they want to have their power. I hope therefore that the petty party feeling, the petty-mindedness will not prevail and I hope that the argument of the leader of the Swaraj party will appeal to the honourable members and that this amendment will be accepted as a first reform of the constitution.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, the leader of the Swaraj party quoted Justice Telang, and I may tell him that I have also read Justice Telang's speech which he made when the bill of 1888 was before the Council. I agree with the honourable member, the leader of the Swaraj party, that Justice Telang advocated a strong executive. But I may tell him that this very stalwart advocate of local self-government, Justice Telang, gave this power of appointment of the municipal commissioner to Government. (Mr. M. R. Jayakar : That was in 1887). As I have said, none of the honourable members opposite, neither the mover nor anyone of his supporters, has replied to my contention, that with power goes responsibility. Here what they say is " Give us the power while the responsibility continues with the municipal commissioner ". Is that fair ? When anything goes wrong in the city of Bombay, who is held responsible ? It is the municipal commissioner, and not the mover, nor any other member, nor the president of the corporation. If that is a defect, it is a defect of the constitution. Only when the whole Act is overhauled, will that defect be removed. It is the corporation that has to move in the matter, and let me ask whether there is any recommendation made by the corporation to which Government have not given effect. Again, I am surprised at the statement of the leader of the Swaraj party that the appointment of the municipal commissioner is in the hands of an alien Government. I am sure he does not take me to be an alien. (Mr. B. G. Pahalajani : You represent Government.) I may remind the Deputy President that I am as much a representative of the people as any other honourable member.

Mr. M. R. JAYAKAR : I was speaking of the system and not of men.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Therefore, as the Honourable the Finance Member pointed out, the appointment is in the hands of a Minister who is responsible to you. (Hear, hear). I am afraid the honourable member from Karachi, Mr. Adwani, does not realise his responsibility and the power of this Council to control the Minister. Government undertake to guarantee loans raised by the Corporation to the extent of 40 crores of rupees. It is, therefore, necessary for Government to retain some control over the administration of the Corporation. Reference has been made to the Calcutta Act in order to prove my contentions. In that case, though the power of appointment has been given to the Calcutta corporation, I should like the House to consider the circumstances under which it was given and the powers of control taken by Government. So, Sir, I submit none of the honourable members, neither the mover nor anyone of his supporters, have replied to my points. Now, Sir, coming to a minor point of my honourable friend the mover of the amendment, namely that the municipal commissioner obstructs the indianisation of the services, I may remind the House that the honourable mover has at the same time told us that the Corporation have under the statute the power of appointing their officers. And I am surprised to find that the members of the corporation cannot assert their own rights. How can the municipal commissioner in any way interfere with their rights? They have the power of appointment. I am sure if this amendment is carried, honourable members will see the end of the municipal administration in the city of Bombay.

Question put. House divided; Ayes, 31; Noes, 64. Motion lost.

Division No. 5.

Ayes.

ADWANI, Mr. D. B.
BHOPATKAR, Mr. L. B.
DENAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
KOTHARI, Mr. V. R.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSAINBHAY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MURADAM, Mr. W. S.

NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PUNJABHAI THAKKERSI, Mr.
SABHA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes: Mr. L. B. BHOPATKAR and Mr. G. K. MAVALANKAR.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULFURKAR, Mr. N. A.
ABRECHOMBIE, Mr. J. R.
AHMAD, MOULVI RAFIUDDIN
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLES, Mr. K. W.
BRODBEAK, Khan Bahadur I. M.

BHUBORI, Mr. J. M.
BRUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTHRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.

Nos.—contd.

FERNANDEZ, Dr. COSMAS	MUJUMDAR, Sardar G. N.
FRAMJI, Mr. K. S.	MUKHI JETHANAND PRITANDAS
GHOSAL, Mr. J.	NAVLE, Mr. N. E.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH	NEKALJAY, Mr. R. S.
GRANTHAM, Mr. V. A.	NOOR MAHOMED, Mr.
HAJI KRAMISO GUL MAHOMED	OWEN, Mr. A. C.
HAMID M. ABDUL ALL, Mr.	PAINTER, Mr. H. L.
HATCH, Mr. G. W.	PATEL, Mr. A. E.
HAYWARD, the Honourable Sir MAURICE	PATHAN, Khan Bahadur JAN MAHOMED KHAN
HEPPER, Sir LAWLESS	PATHAN, Mr. A. F. I. K.
HOTSON, Mr. J. E. B.	PATIL, Mr. D. R.
JADHAV, the Honourable Mr. B. V.	PETOR, Mr. F. W.
JATOI, Khan Saheb KARIMBAKSH	RAHIMTOOLA, Mr. HOOSAINALLY M.
JEHANGIR, the Honourable Mr. COWASJI	SABDESAL, Mr. S. A.
KALBHOR, Mr. G. M.	SAYED GHULAM NABI SHAH
KAMBLI, Mr. S. T.	SAYED MUHAMMAD KAMIL SHAH
KAY, Mr. J. A.	SHINDE, Mr. R. D.
KAZI INAITULLAKHAN	SURVE, Mr. A. N.
KHURO, Mr. M. S.	THAKOR of Kerwada, the
LALUBHAI SAMALDAS, the Honourable Mr.	THOMAS, Mr. G. A.
LAWRENCE, the Honourable Mr. H. S.	TURNER, Mr. C. W. A.
MANSURI, Khan Saheb A. M.	WADIA, Mr. N. N.
MONTGOMERIE, Mr. A.	WILES, Mr. G.
MOUNTFORD, Mr. L. J.	WOODS, Mr. E. E.

Tellers for the Nos: Sir VASANTRAO DABHOLKAR and Mr. S. K. BOLE.

MOTIONS TO AMEND STANDING ORDERS.

The Honourable the PRESIDENT: There is one question to which I should like to draw attention. Honourable members will remember that at the last sessions they passed the second reading of the amendment of Standing Orders and they were read clause by clause. By an oversight the third reading was not moved. That formal procedure has got to be gone through in order that the amendments which have been made in the Standing Orders may prove serviceable during the present session. As it is purely a formal matter, I will, with your permission, call upon the honourable member, Mr. Surve, who moved the second reading, to formally move that the amended Standing Orders as approved by the House should be read a third time.

Mr. A. N. SURVE (Bombay City, North): I move.

That the motions to amend Standing Orders Nos. III to VIII of 1924 be read third a time.

But before I do so, I desire to point out that one or two alterations will have to be made because last time through oversight one clause was left out. It is as follows:—

That Order 4, clause 2, Chapter IV, be deleted.

Question put and carried.

Mr. A. N. SURVE: There is a consequential amendment which I beg to move as under:—

That Chapter IV, Order 4, clause 3 be re-numbered as Chapter IV, Order 4, Clause 2.

Question put and carried.

Mr. A. N. SURVE : I now beg to move :

"That the motions to amend Standing Orders Nos. III to VIII of 1924 be read a third time."

Question put and carried.

BOMBAY CITY MUNICIPAL ACT AMENDMENT BILL.

(Clause by clause reading resumed.)

Clause 14 ordered to stand part of the bill.

Clause 15 (*Amendment of section 57 of Bom. III of 1888*).

"In section 57 of the said Act,

(1) in sub-section (1) for the words 'such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand as Government shall from time to time determine' the words 'a monthly salary of three thousand rupees' shall be substituted; and

(2) in sub-section (3) for the words 'three thousand rupees' the words 'rupees three thousand and five hundred' shall be substituted."

Mr. K. F. NARIMAN (Bombay City, South) : Mr. President, the amendment which I wish to move to clause 15 reads as follows :—

Delete Clause 15 of the Bill and substitute following :

"Clause 15 of the Bill. Delete whole of Section 57 of the said Act and substitute the following :

Section 57. (1) 'The Commissioner shall receive such monthly salary, not exceeding rupees three thousand and five hundred and not less than rupees two thousand and five hundred, as Corporation shall from time to time determine, in return whereof, he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any enactment for the time being in force.'

(2) "Provided that he may at any time (a) with the sanction of the Corporation hold the office of a Trustee of the Port of Bombay, (b) with the sanction of the Corporation, serve on any Committee constituted for the purpose of any local enquiry or for the furtherance of any object of local importance or interest."

Of course, I do not consider this amendment as important as the last one but still I want to move it because it underlies the main principle that if the Corporation is not to have the power of appointment, it should at least have a voice in fixing the salary of the Municipal Commissioner because the money belongs to the Corporation. It is one humiliation for the Corporation not to have any voice in the appointment at all and it is a further humiliation that the third party who is appointing the Municipal Commissioner will also fix his salary. I hope, Sir, that after the triumph which Government have obtained, they will at least concede this point that all the arguments that were advanced against the previous amendment do not exist in the present case. Their object has been served by retaining in their own hands the power of appointment and it is quite needless and unnecessary to subject the Corporation to any further humiliation by imposing a condition that not only they retain the power of appointment with them but they also will fix the salary of such appointment and that the Corporation must pay to the Commissioner whatever Government direct them to pay. The first position is humiliating enough but this is more humiliating. The amendment now moved by me is absolutely harmless. I hope, therefore, there will be no opposition to this harmless amendment and that the House will pass it.

Question proposed.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support this amendment. I think the passing of this amendment would have some salutary effect on the Commissioner. If the Commissioner feels that though he is appointed by Government, he will have to look to the Corporation for his salary and promotion, it will have some effect. Another thing is that if he feels that way, he will feel that there is some responsibility to the Corporation to be discharged by him. I therefore hope that this House will pass this amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, the amendment that is proposed is an absurd one. Just now, this honourable House has retained the power of appointment of the Municipal Commissioner with Government. What does the amendment propose? It proposes that the power of determining the salary should be taken away from this House and be given to the Corporation. Under the bill, the starting salary is to be determined by this House. The select committee has decided that it should be Rs. 3,000, and after three years, if the Corporation are satisfied with the work of the commissioner, they may give him Rs. 3,500. The present amendment makes the whole position absurd. It says that Government should have the power of appointing him, and the Corporation should determine the salary. How are they going to determine the salary unless they know who is going to be appointed as Municipal Commissioner? And Government cannot appoint any one till they know what salary the Corporation will pay. The amendment is absurd. If it is accepted, it will result in difficulties and confusion. That one party should make the appointment and another party determine the salary is an absurd proposition. There is also another difficulty in accepting the amendment. It says that the Corporation may give him Rs. 2,500 or Rs. 3,500 at the start. Supposing the Corporation decide to give him the maximum, there will be no inducement for the Commissioner to work well. He will feel that he has got what he wanted, and will not care to look to the Corporation. Therefore, I hope the House will throw out the amendment.

Question put and lost.

Clause 15 ordered to stand part of the bill.

Clause 16 (*New section 62E of Bom. III of 1888*) ordered to stand part of the bill.

Clause 17 (*Amendment of section 106 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 18 (*Amendment of section 107 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 19 (*Amendment of section 301 of Bom. III of 1888*);

"For sub-section (1) of section 301 of the said Act, the following sub-section shall be substituted, namely,

"(1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move the amendment which stands in my name, and which reads as follows:—

Insert the following clause after clause 19, and renumber the clauses that follow:

"After section 313 of the said Act, the following section shall be inserted, namely,

'313A. Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.'

Mr. G. A. THOMAS: Sir, I rise to a point of order. The amendment is not to clause 19 but to clause 20.

The Honourable Sir MAURICE HAYWARD: The amendment is not to clause 19 at all.

The Honourable the PRESIDENT: I think the point of order holds. I will put clause 19 to the vote as it stands.

Clause 19 ordered to stand part of the bill.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move my amendment which is as follows:—

Insert the following clause after clause 19: and renumber the clauses that follow:

"After section 313 of the said Act, the following section shall be inserted, namely,

'313A. Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article, whatsoever, whether it be for human consumption or not.'

Sir, in moving my amendment, I shall not take much of the time of the House. The point is this that this clause stood in the bill when it was read for the first time, but in the select committee stage on account of all the facts not being in possession of the members of that committee, through some misapprehension this clause came to be dropped. Sir, this clause is necessary, because in Bombay hawkers' nuisance is increasing to an enormous extent. Under section 414 of the Act the Municipal Commissioner is under the obligation of carrying on a vigilant inspection and removal of rotten and unwholesome articles used for human consumption. The Municipal Act imposes that duty upon the Commissioner, but he has not been given sufficient power to enforce it. Therefore, on the recommendation of the municipality itself this clause was inserted in the bill. Everybody, that is the police commissioner, the municipality itself and the honorary presidency magistrates who try the cases in which hawkers are charged are in favour of this provision.

As I see that the Honourable Minister has expressed his willingness to accept the amendment, I do not think I would be justified in taking any more time of the Council.

The Honourable the PRESIDENT: If the amendment is made to read "Add the following clause as clause 19A after clause 19", there will be no question of renumbering the following clauses. The amendment proposed will be:

After clause 19, add the following clause as clause 19A:

"After section 313 of the said Act, the following section shall be inserted, namely,

'313A. Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.'

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, as the Corporation is very keen on this amendment, I have no objection to accept it.

Question put and carried.

Clause 20 (*Amendment of section 367 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 21 (*Substitution of a new section for section 368 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 22 (*Amendment of section 372 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 23 (*Amendment of section 373 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 24 (*New section 377A of Bom. III of 1888*) ordered to stand part of the bill.

Clause 25 (*Amendment of section 394 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 26 (*Amendment of section 471 of Bom. III of 1888*).

In the table subjoined to section 471 of the said Act :—

(1) For the entry relating to section 368, the following entry shall be substituted, namely :

"Section 368, sub-sections (1), (2), (3) and (4).	Collection, removal and deposit of refuse Twenty rupees." and provision of receptacles.
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and

(2) below the entry relating to section 377, the following entry shall be inserted, namely :

"Section 377-A, sub-sections (1) and (2).	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings.	Fifty rupees."
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Mr. A. N. SURVE (Bombay City, North) : Sir, I move the amendment standing in my name, namely :—

In clause 26, before sub-clause (1), add the following sub-clause as sub-clause (1) and renumber sub-clause (1) as sub-clause (2) and sub-clause (2) as sub-clause (3) :

(1) Below the entry relating to section 313, the following entry shall be inserted, namely :
 "Section 313A. Prohibition of hawking articles for sale in a public place or street without a license. Fifty rupees."

This is only a consequential amendment, and therefore I request that it should be accepted.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I have no objection as the corporation is keen on it.

Question put and carried.

Clause 26 as amended ordered to stand part of the bill.

Clause 27 (*Amendment of section 472 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 28 (*Amendment of section 489 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 29 (*Amendment of Schedule M of Bom. III of 1888*) ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, with your permission, I propose to proceed with the third reading

[Khan Bhadur Shaikh Ghulam Hussain]

to-morrow. The bill will be examined in the light of some amendments accepted, as there might be some consequential amendments necessary.

The Honourable the PRESIDENT: Yes. As usual I have again received a representation for the change of the hours during which the Council sits. The principle which I have laid down for my guidance will apply in every such case. I will read out the representation which has been received, and allow honourable members to think over it till to-morrow evening when I will ascertain what the views of the House as a whole are. The representation reads as follows:

"We, the undersigned members of the Bombay Council, beg to request you to kindly hold the Council sittings from 1 p.m. to 6 p.m. instead of 2 p.m. to 7 p.m. The present hours are most inconvenient and the work after 6 p.m. is very fatiguing.

"We therefore trust that you will kindly grant our request and oblige."

I find that there are 61 honourable members who have signed it. I leave it to honourable members to consider the matter. I will ascertain whether there is a consensus of opinion in favour of the change proposed and I will then consider the matter.

The Council will now adjourn till 2 p.m. on Thursday, the 23rd July 1925.

The Council re-assembled at the Council Hall, Poona, on Thursday, the 23rd July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
ARMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS

HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KHUHHO, Mr. M. S.
KOTHARI, Mr. V. R.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MADAN, Mr. J. A.
MALJI, Rao Bahadur A. U.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUKHI JETHANAND PRITAMDAS
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. A. E.
PATEL, Mr. D. N.

PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED MUHAMMAD KAMIL SHAH
 SHINDE, Mr. R. D.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of KERWADA, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

(Further consideration of Bill No. XXV of 1924—the City of Bombay Municipal Act Amendment Bill—resumed).

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
 Third reading. Sir, with your permission, I now move that Bill
 No. XXV of 1924 be read a third time.

Question put and carried.

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

**BILL NO. XIV OF 1924 (A BILL TO CONSOLIDATE AND AMEND
 THE LAW RELATING TO CO-OPERATIVE SOCIETIES IN THE
 PRESIDENCY OF BOMBAY).**

(As amended by the Select Committee.)

The Honourable Mr. A. M. K. DEHLAVI : Sir, I present the report*
 of the select committee on this bill.

The Honourable the PRESIDENT : The report of the select committee
 is presented.

*Vide Appendix C.

The Honourable Mr. A. M. K. DEHLAVI: I now beg to move the second reading of Bill No. XIV of 1924, and while moving it, Sir, I wish to say only a few words with your permission. The bill as amended, I am sure, will commend itself to the honourable House. It is the bill which has gone through the select committee twice for consideration. Last time we had 150 amendments, and after the second report of the select committee, which I am sure is practically unanimous, I see there are 126 amendments and we have to deal with them. I welcome them because they show the interest which the honourable House is taking in the bill. I am also sure that the spirit in which the amendments are put forward is the spirit of co-operation. Some of these amendments are verbal, some are acceptable, some will have to be considered by this honourable House carefully. But I do trust that honourable members who wish to move these amendments will see the advisability to save the time of the House, of withdrawing those of their amendments which are not of great importance.

Question proposed.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to move:—

“that the Co-operative Societies Bill should be recommitted to the select committee for considering the several amendments and for making additional provisions in regard to greater association of popular representatives in the working of the Co-operative Department, for restricting considerably the autocratic powers of the Liquidator and the Registrar and for providing at some stage an appeal to the civil court or an arbitrator.”

I think that some members may not like the idea of sending this bill over again to the select committee in view of the fact that it has been twice sent to the select committee. But, Sir, if we take into consideration the several amendments, out of which something like 40 amendments have been given by the Registrar of Co-operative Societies, I think it will be realised that these amendments should better be scrutinised by the select committee over again. I am told, Sir, that many of the amendments of the honourable member, the Registrar of the Co-operative Societies, were not placed before the select committee. I think, therefore, that the best place for considering these amendments in detail is the select committee. Secondly, Sir, there will not be any serious administrative inconvenience if this bill is postponed to a future session. The Co-operative Societies Act is already there and I think there will be no inconvenience. And, thirdly, Sir, additional provision should be made in the provisions of this bill as regards the few points mentioned by me in the amendment. The first point is that there should be greater association of popular representatives in the working of the Co-operative Department. You will see, Sir, that at present all the powers are centred in the Registrar of the Co-operative Societies, but as I think this co-operative movement is a very potential movement, steps ought to be taken to associate popular representatives more and more with this movement. Secondly, Sir, the powers of the liquidator which have been given in the bill ought to be very considerably restricted. So also the powers of the Registrar ought to be considerably restricted. And thirdly, at some stage a right should be given to the aggrieved party to appeal to a civil

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court or an arbitrator. I think this is a point of very great importance, and taking into consideration the reasons which I have given I hope that this honourable House will see fit to send the bill over again for reconsideration to the select committee. With these words I move my amendment.

Mr. R. G. PRADHAN (Nasik District): Sir, I feel bound to oppose this amendment. It is a matter of very great regret that even at this stage an attempt is being made to postpone the consideration of this important bill. As the honourable House is fully aware, the bill has been considered by the select committee twice, and as the Honourable Minister has told the House, the select committee is to all intents and purposes unanimous on the important provisions of the bill. I venture to say that no select committee would have given a more careful, a more patient and a more serious consideration to the measure than this select committee has done. All the amendments that were before the select committee were carefully considered, and I absolutely fail to see any reason whatsoever why this bill should again be committed to the select committee. We have before us no doubt a pretty large number of amendments. I for one am not afraid of facing them, and I have not the slightest doubt that the honourable House too, is not afraid of facing them. The best course which this House can follow is not to commit this bill again to the select committee but to consider these amendments in the House itself. This dilatory method which my honourable friend from East Khandesh seems to favour is one which is contrary to the proper methods and proper procedure which I maintain should be followed by a responsible body like this. There may be questions of principle involved in some of the amendments which the House will be called upon to consider, but I do not see any reason whatsoever why simply on that ground the bill should again be postponed. I understand from my honourable friend, the member for Kaira, that there is an important amendment which involves a question of principle and which has received the previous sanction of His Excellency the Governor. Therefore even that amendment can be considered by this House. I strongly object to the amendment moved by my honourable friend from East Khandesh, and I trust the House will reject it.

Mr. S. K. BOLE: Sir, I rise to oppose the amendment. I think if the bill is postponed Government will not be put at any disadvantage but the co-operative societies which want more privileges and more rights will be put at a very great disadvantage, the Government will not lose anything but the public will lose the rights that are sought to be given to them by this bill. I know as I was a member of the select committee that the Honourable Minister gave so much latitude that he practically placed the full consideration of the bill in the hands of the select committee. Meetings after meetings were held and therefore I was greatly surprised to see so many amendments on the agenda. I know many members have taken advantage of the leniency of the Honourable the President in disregarding the rule for sending in of amendments.....

Mr. P. G. JOSHI : I object to that remark, Sir.

The Honourable the PRESIDENT : The honourable member (Mr. Bole) does not know all the facts.

Mr. S. K. BOLE : I am sorry, Sir, but I made that statement from hearsay and from what I heard, but still the fact is there that the bill was introduced last year and it has been before the public and before the House for one year and now at this stage after such full discussion was made on this bill, I think it is absurd for any one to bring forward an amendment for its postponement now. I do not know whether that will reflect credit or discredit on the sense of duty of the members of this House. I will not say that but everybody can think it for himself. With these words, I strongly object to the amendment and hope it will be rejected.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I had no desire to take part in the debate because I understand that this is a matter which refers more to mofussil members and it is more a concern of the members who are connected with the co-operative movement, but it also connects Bombay distantly. I rise to object most strongly to the language which has been used by the two honourable gentlemen in opposing this amendment and it is that language which has compelled me to stand up on my feet. First and foremost the honourable member from Nasik has questioned the sense of responsibility of the honourable mover of this amendment. The other honourable member has expressed doubts about the sense of duty of the honourable mover. Do these two honourable members mean to say that they and they alone possess a sense of responsibility and a sense of duty and not the party to which the honourable mover belongs? I am sure the popular side and the masses as well as their constituencies will greatly benefit by a postponement of this bill. There may be differences of opinion but the honourable member who has moved this amendment has moved it out of a pure motive and there are other honourable members who consider that the amendments are of such a nature as would make it certainly very inconvenient and cause a great waste of public time if they were to be considered and discussed in this House as they are 126 in number, and therefore a more convenient and a more appropriate method of discussing this large number of amendments and important amendments is the select committee. What is the object of the procedure of a select committee? The object is to consider matters in detail of this nature when there are amendments which exceed 100 or 126 in which case it is certainly very inconvenient to consider them in an open House like this and I have never heard of any bill with 100 or 126 amendments to it being considered and discussed in an open House merely because the amendments are likely to take a considerably long time. The honourable member for Nasik has said that an important amendment from the honourable member for Kaira relates to financial aid from Government and that it has been sanctioned by His Excellency the Governor, but I understand that the matter of that amendment was not considered by the select committee at all because the sanction came too late. Is this not a matter which requires very close consideration.

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because of the very fundamental principle of the whole bill, namely, whether financial aid should or should not be supplied to co-operative societies, at what stage it should be supplied and under what circumstances it should be given. Is this matter for consideration in a House like this or would it be better considered in a select committee of this House? The more important point which appears to me to require reconsideration of the whole bill is the autocratic power given to the Registrar in the whole of the bill. I find looking at the bill, turning to every page and every corner and every section of the bill, there is some power which I find is not given to any other official by any other legislature. I understand and appreciate that this is a legislation and a measure in which some sort of power will have to be given to some individual officer but I do appeal that the autocratic sort of power which is sought to be given in this bill to the Registrar, far from helping the co-operative societies or agriculturists whom it is intended to benefit, would prove to be merely a retrograde measure for whilst we want to cultivate habits of thrift and other things mentioned in the preamble, there is another habit which agriculturists should cultivate, viz., the habit of self-help, self-reliance, the habit of relying upon themselves and the habit of learning the responsibility of members of co-operative societies, but here, Sir, in every responsible matter, in every important matter, in every matter of the slightest importance, the whole responsibility is shifted from the societies and from individuals. How are the agriculturists going to grow out of their illiteracy and cultivate habits of self-reliance? How are the masses to learn the responsibility of life and their duties if they are taught, as this bill teaches them, not to think for themselves but to ask somebody else to think for them and do things for them?

Another very great disadvantage is the interference from the Registrar who has been given autocratic powers. I do not mean to apply this personally, but the powers are autocratic. Though the Registrar may be a democrat, the powers vested in him are such that he is bound to be an autocrat. Another disadvantage will be that an agriculturist will learn to be dependent upon the official members always, which is not a desirable state of affairs. We want them to be brought out of the official trammels. I also expected, Sir, that the old institution and the very dignified tradition of the village panchayat would be revived. This was an excellent opportunity for considering that question. Why not revive an institution which has been in existence in this country long before the advent of British rule, and long before the present societies came into existence, and which has worked so satisfactorily? This was an excellent opportunity to revive the village panchayat system. Instead of having a single person, the Registrar, as arbitrator, why not have a panchayat to do the work, a panchayat in whom all parties will have confidence, and thereby introduce the popular element in these questions. Therefore, fundamental differences have to be considered. Therefore, on these grounds, apart from any other merits of the bill,

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it should be recommitted to the select committee. There is already an Act in existence. I do not see any other privileges conferred except the Government being the creditors in preference to others. I do not see any other great privilege to be conferred by the present bill, and I hope the amendment will be carried.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, this matter has to be looked at from a different point of view. We want more of the time of this House to be saved, and if the bill is again recommitted to the select committee, there will remain very few differences of opinion. At present, I find that there are more than 150 amendments to be considered by the House. We have seen that for one day and more we have discussed one very small bill, and even such a small bill has taken a lot of our time. Secondly, the official benches deal with their bills just as they like. We have seen that one of the bills has been withdrawn and the Statistics Bill has been postponed. It was postponed during the session in Poona last year, and it has been postponed again. If the official benches have the advantage of postponing their bills for reconsideration, I believe that, on the same ground, non-official benches should have the same privilege of recommitting a bill to the select committee, in order to save the time of this House, and at the same time to make up the differences of opinion which are apparent from the various amendments placed before us. As has been pointed out by my friend for Bombay, South (Mr. Nariman), there is a good deal of difference of opinion on certain material points, and these differences may well be settled again in select committee, so that when the bill comes again before the House, there will be very few differences of opinion, and I believe that even in one day perhaps we will be able to take it up and finish it in the October session. It is with a view to save the time of the House by cutting short the discussions that I think this bill should be recommitted to the select committee.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, my honourable friend Mr. Nariman has brought forward two objections against the House proceeding with the consideration of the bill at present. The first objection is that the bill has certain fundamental objections. If that is so, then I maintain that this House is the proper place for considering those fundamental objections. Secondly, my honourable friend Mr. Nariman stated that autocratic powers had been given to the Registrar. Again I say that this House is the proper place for taking those autocratic or bureaucratic powers away. I do not see any advantage in recommitting the bill to the select committee for the discussion of differences of opinion and the removal of autocratic powers of the Registrar. I think it can be very well done on the floor of this House. Considerable stress was laid on the economy of time of this House, but, Sir, economy of time is certainly in the hands of the honourable members themselves. If they do not make long speeches, if they confine themselves to the proper subject, and if they select representatives to speak, that would save the time of the House. I think

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it would be childish to postpone the consideration of this bill any longer. It has already been postponed; and supposing it is recommitted to the select committee, and when it comes back before the House there are 150 amendments again, then the honourable member will get up again and say that it should again be recommitted to the select committee. This sort of thing will certainly bring the contempt of the public upon this House. Therefore, I maintain that the amendment should be thrown out.

The Honourable Mr. LALUBHAI SAMALDAS: Mr. President, my honourable friend Mr. Joshi wants the bill to be recommitted to the select committee for three reasons. The first reason that he has given is the greater association of popular representatives in the working of the Co-operative Department. Sir, I think I can say that perhaps amongst all the honourable members present here as a non-official I have taken the greatest interest in the co-operative movement, and as such I hope honourable members on both sides of the House will believe me when I say that the movement, as started from the earlier stages up till now, has only one end in view, namely, to make it depend on the popular will. We have been trying to do it. We have been faced with difficulties, we have tried to remove those difficulties, and this bill is the result of our investigations into the methods as to how to make it popular. The movement at present is not entirely based, as my friend Mr. Nariman seems to think, on the autocracy of the Registrar. I hope the House will give me some time if I explain that the movement is based on three different authorities. The first is, under the statute, the Registrar. The Registrar has the power of registering Societies when an application is received by him. Then he has the power, under the statute, of a regular audit, and he has further the power, if he finds that a society is not well managed, to take it into liquidation. These powers exist in the old Act which was passed by the Government of India in 1904. Those powers do remain, but they are not all the powers that are necessary to work the co-operative movement. The second thing which is absolutely necessary to work this movement is finance, and the finances, as my honourable friend may be knowing, are provided mainly by private bodies and by the societies themselves. If my honourable friends will see the annual reports of the co-operative movement, they will see how each society that has been registered is trying to work on the same principles of co-operation which my honourable friend Mr. Nariman wants. They are trying to do it by means of self-help and thrift; they have done it, and they are building up their own capital and reserve fund; but when they want further finances, our agriculturists are in such a poor condition that they cannot raise all the money themselves, and they have to fall back upon the towns. The towns have been doing their duty. There are district banks which have been formed by non-officials who are interested in the movement, to help primary co-operative societies, and to help these district banks, there is the provincial bank started in Bombay. So, as regards finances, the Registrar has very little to do. We have given all the powers

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as regards financial management to the provincial bank working through its branches, and to the district banks, through whom the primary societies in the villages receive financial help. We also felt that the powers of the Registrar as regards propaganda work should be curtailed to some extent, and that more work should be taken up by the non-official bodies. With that end in view, the Central Institute was started, and it was started—let me give credit where it is due—by the help and with the consent of the then Registrar, my friend Mr. Ewbank. He did not want to have all the powers in his own hands. He was prepared to give as many powers to the non-officials as they were ready to work them and were willing to come forward to help this movement.

An honourable MEMBER: Was the idea to start the institute as a Plunkett House?

The Honourable Mr. LALUBHAI SAMALDAS: Yes.

An honourable MEMBER: Does it possess all the powers of the Plunkett House?

The Honourable Mr. LALUBHAI SAMALDAS: Not all.

MOULVI RAFI UDDIN AHMAD: May I rise to a point of order? Can a discussion on the details of the bill be allowed on such a motion.

The Honourable the PRESIDENT: There is no question of details. The honourable member will remember that the original motion is that the bill be read a second time, and to that there is an amendment that the bill be referred back to the select committee. The whole bill is therefore under discussion. Apart from that, even assuming that we are restricting ourselves to the amendment proposed and another opportunity will be given to the House to deal with the second reading, the amendment requires that the direction to the select committee should be to curtail the autocratic powers of the registrar. The Honourable the Revenue Member is perfectly relevant in pointing out whether such autocratic powers are embodied in the bill or not; I think he is perfectly in order.

The Honourable Mr. LALUBHAI SAMALDAS: That institute is doing very useful work, as our friends from the mofussil will bear me out. Therefore the powers of the registrar are not autocratic as my honourable friend from Bombay, who is not very much in touch with the co-operative movement, thinks.

The second argument of my honourable friend Mr. Joshi is that he wants to restrict the autocratic powers of the liquidator and the registrar. I think, Sir, the powers that are there cannot be restricted further, and if we give more powers to the popular element in this direction, there is a danger of the movement failing.

As regards his third argument that we should provide at some stage for an appeal to the civil court or an arbitrator, that brings in a new point which ought to have been brought in the select committee. If it was not done the members of the select committee must not have thought it worth while.

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Sir, this bill has been discussed by the select committee and there is no reason for further delay. I thought that the Bombay Legislative Council would like to take the lead in this matter and give a lead to the whole country in starting its own co-operative bill. This bill was taken up, I believe, by Mr. Otto Rothfeld, the late Registrar, and it has now, under the general guidance of my honourable friend, the Minister, been brought to a stage when it should be accepted by the House with such amendments as they consider necessary. I hope, Sir, the honourable member, Mr. Joshi, will see his way to withdraw his amendment.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I think the real object of the honourable member in moving this amendment perhaps is to have the bill thrown out. If he had come out with his real object, the House would have been in a better position to deal with his motion in that light. I understand, Sir, that the honourable House is responsible for the numerous amendments that have been placed on the agenda. We referred the bill a second time to the select committee because we had a large number of amendments to consider. Now, when the select committee have made their report, honourable members have been encouraged to bring forward a large number of other amendments. If we commit the mistake of referring the bill back to the select committee a third time, I am afraid we may have a thousand and one other amendments, as there is no guarantee that it will satisfy them all and when the bill comes up before us again, I believe we will never come to an end. Therefore, I am of opinion that we should consider all the amendments now and pass the bill or throw it out. Honourable members will realise the difficulties which hamper us in the work of the movement under the present state of the law.

Mr. J. A. MADAN: Sir, I rise to oppose the amendment. I have very little to add to the remarks made by the Honourable the Revenue Member and my honourable friend the member from Nasik. But I should like to point out that this bill has been before the House for a year and that all the questions of principle which have now been raised by the honourable member for East Khandesh are to be found in the two hundred and odd amendments sent to the select committee and were fully considered by it. To refer the bill back to the same select committee is, I think, in the nature of passing a vote of censure on it because all those principles have been, as the honourable member for Nasik pointed out, very fully debated and considered, and the report before the House is now a practically unanimous report of the committee. As regards the large number of amendments which have now been received, I have had the pleasure of discussing them with most members who have given notice of those amendments and I may say that many of them are merely verbal amendments and not amendments of principle. The honourable member has been guilty of a little exaggeration in saying that I have sent in forty amendments.

I have sent in only 19, out of which 16 are verbal. There are only three real amendments and the others are purely verbal. I have got two

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amendments to sections drafted by the select committee and only one new amendment. If we now refer all these very questions back to the select committee, its report would, I expect, come up with the same conclusions as are now before the House. I may assure the House that most of the amendments are purely verbal and there are only a dozen amendments of any importance. I expect not more than a dozer will take up any considerable time for discussion. I would, therefore, ask the House to take this bill into consideration and throw out the amendment.

Mr. P. G. JOSHI (East Khandesh District): Sir, I have not very much to say in reply, because almost all the objections raised by honourable members have been very effectively replied by my honourable friend Mr. Nariman. There is only one remark I have to make. We have been told that the co-operative movement is a really popular movement and is being worked as such. I really object to such a statement, because I think from personal experience that this co-operative movement as at present worked is only a one man's show. I think that this bill should be committed to the select committee as I do not think this Council is the place for all these amendments to be discussed in detail. Otherwise, we will be losing too much of the precious time of this Council. As we have seen in the discussion which took place yesterday we will be wasting time unnecessarily. I think the best place for the discussion of these amendments effectively is in the select committee. And taking into consideration that there should be some additional provisions as regards the three points I mention in my amendment, I hope the honourable House will accept the amendment.

The Honourable Mr. A. M. K. DEHLAVI: Sir, the amendment proposed by my honourable friend Mr. Joshi has come to me as a surprise in two ways. The one is, that I had not the faintest idea that there was going to be an amendment of that kind until he read it out. And the second is, that it comes from Mr. Joshi, who, I know personally, takes a keen interest in this important movement of co-operation. I was talking to him, and several members were talking to one another on this question of the Co-operative Bill, for the last two or three days, in the lobby and not a word was said that the bill should be referred back to the select committee a third time. Now that he has moved this amendment, I may meet one or two grounds of his on which he has mainly relied. One of his points is that in the bill the registrar has assumed powers which he should not wield because they are, as he calls them, autocratic powers. It has already been pointed out in this House that the registrar stands in the same position as he does under the present Act. It would have served some good purpose if the honourable member had mentioned specifically as to how the Registrar wields any greater powers than he does under the present Act or that the powers that he wields under the existing Act are autocratic. As far as I have studied the movement I am sure it has certainly not reached the stage at which it should be left alone without the control of registrar, and it would be a great mistake on the honourable mover's part, and on the part of those who support him,

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if they consider that it has reached its zenith, that it should stand alone by itself and that it no longer needs Government sympathy and guidance. The agency through which the public can demand that aid, sympathy and guidance and through which Government can grant it is the Registrar. The Registrar therefore must wield some legitimate powers. It is fully in the power of this House to curtail them. It is wrong and misleading to say that the Registrar is going to get autocratic powers under this bill. As the Registrar himself has explained and as the Honourable the Revenue Member has said, the bill has been before the country for a good long time, amendments and suggestions from every corner of the Presidency, every corner which takes interest in the movement, have poured forth, and the framers of this bill and Government have considered them. The select committee has itself considered every matter of principle, every detail, even the liquidators' powers and the Registrar's powers have been considered, and after full consideration of all these details the select committee has submitted this report, which, as I said, is practically unanimous.

Now it would certainly be useless and futile, and in fact it would be wasting the time of the House in future. If it is a saving to-day, it would be a greater loss of time if the bill is sent back again to the select committee. As the honourable member from Larkana, Khan Bahadur Bhutto, has pointed out, we sent the bill back to the select committee thinking that it would come back without any amendment in the House, it went back to the select committee with about 150 amendments and it has come back to this House, again there with about 126 amendments. If sent back again who knows we shall not be in a worse position? The amendments before the House are large in number, but when we come to them, much time will not be lost over them. There are not very many amendments of principle. I therefore submit that the bill should not be resubmitted or sent back again to the select committee.

A remark was made by my honourable friend from Nasik that in the matter of Government aid the principle was laid before His Excellency and that the honourable member from Kaira, Rao Shaheb D. P. Desai, has received the sanction of His Excellency. I only mention this fact to state personally that I do not know that sanction has been given by His Excellency. I only know that the honourable member from Kaira, Rao Saheb Desai, had a certain number of amendments on that point which have been considered, and which are likely to be accepted by me though not in their present form.

Rao Saheb D. P. DESAI: Sir, may I rise to an explanation? I remember that I had a talk perhaps with the Registrar also as regards my amendments and I was informed that His Excellency has no objection to those amendments and that it was on that assurance—I speak subject to correction—but that was what the Registrar said—that His Excellency has no objection to the amendments that are proposed by me here. . . .

The Honourable Mr. A. M. K. DEHLAVI: This is certainly a foreign matter, but as the question has cropped up I must bring it to a close. You remember, Mr. President, that the honourable member from Kaira proposed the amendments at the last time and thereafter he applied

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for sanction to His Excellency and he was not given the sanction. After that the honourable member thought over his amendments and had a talk with me, and the Registrar, about them and I assured him that it would be my part to approach His Excellency and if His Excellency and I agreed I would have no difficulty in accepting the amendments in the present form and I assure the House that I am ready to accept them. We need not go further on that point.

I was just going to answer the remarks of the honourable mover which he made in his last statement, namely, that the societies were not self-governing societies; but I may tell him that every society is a self-governing society in itself, and as long as it abides by the rules controlling and guiding it and the Act, there is no interference on the part of the Registrar. I therefore submit that no useful purpose would be served by sending the bill back again to the select committee.

Question put and lost.

Bill read a second time. Question that the bill be read a second time put and carried.

Bill read clause by clause.

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

Clause 2 (*Extent*) ordered to stand part of the Bill.

Clause 3 (*Definitions*).

In this Act, unless there is anything repugnant in the subject or context

(a) "by-laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws;

(b) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a society is entrusted;

(c) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with the rules and by-laws applicable to such society;

(d) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a society to give directions in regard to the business of such society;

(e) "Society" means a society registered or deemed to be registered under this Act;

(f) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act;

(g) "Rules" means rules made under this Act;

(h) (1) a "Resource society" means a society formed with the object of obtaining for its members the credit, goods or services required by them or with the object of facilitating the operations of such societies;

(2) a "Producers' society" means a society formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society;

(3) a "Consumers' society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society the profits accruing from such supply and distributions;

(4) a "Housing society" means a registered society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;

(5) a "General society" means a society not falling under any of the four classes above-mentioned.

The Registrar shall classify all societies under one or other of the above heads and his decision shall be final.

A list of all such societies so classified shall be published annually in the *Bombay Government Gazette*.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move my amendment, which runs thus :

"In clause 3, sub-clause (h), substitute the words 'societies governed by this Act' in place of the words 'such societies'."

The honourable members of this House will see from the wording of the clause that for the purpose of facilitating the working of other societies only a "resource society" is authorised, but even there the wording appeared to me defective and the wording is "the operations of such societies". There is no society mentioned before this in the same sub-clause which can be denoted by the word "such" and, therefore, I have made it more clear. However, I would like at this very time to say that if this wording were included in each kind of society that is mentioned in this clause, then it would be much better; however, I have sent in my amendment only so far as the expression "such societies" in this sub-clause is concerned.

Question proposed.

Mr. J. A. MADAN: Sir, I think the suggestion made by the honourable member is a good one, but the amendment as proposed will not carry out the object which he has in view. In sub-clause (h) we have described the different clauses of societies; in sub-clause (1) we have defined such societies as including primary societies as well as societies formed with the object of facilitating the object of such societies. Logically, there should have been a similar second clause in all the five sub-clauses—viz., in those defining a "Producers' society", a "Consumers' society", and so on—i.e., there should have also been a clause to the effect that all societies formed with the object of facilitating the operations of such societies are included in the definitions. I think that the object which the honourable member has in view will be better served by the following amendment which I wish to propose :

In clause 3 (h) (1), omit the words "or with the object of facilitating the operations of such societies" and add the following sub-clause before the concluding paragraph of clause 3 :—

"A society formed with the object of facilitating the operations of any one of the above classes of societies shall be classified as a society of that class."

I understand that the honourable member has no objection to this amendment.

Question proposed.

Mr. R. G. SOMAN (Satara District): I do accept the amendment to my amendment as proposed by the honourable member the Registrar.

The Honourable the PRESIDENT: Has the honourable member the leave of the House to accept the amendment to his amendment?

Question put and leave granted.

Amendment to the amendment put as a substantive proposition and carried.

Mr. S. S. DEV (West Khandesh District): Sir, my amendment is a mere verbal amendment. It reads thus:

"Delete the word 'registered' from clause 3, sub-clause (4)."

The amendment has become necessary on account of the definition of "Society" in the bill, which means society registered under the Act. So the word "registered" here is redundant.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI: I accept the amendment. Question put and carried.

Clause 3, as amended, ordered to stand part of the bill.

Clause 4 (*The Registrar*) ordered to stand part of the bill.

Mr. S. S. DEV (West Khandesh District): Sir, my next amendment is that between clauses 4 and 5 a new clause 4-A be added. I propose:

"Add the following as clause 4-A:

'4-A. Government may take steps to educate the public and spread knowledge of the principles underlying the Act and the rules made thereunder, that people may come to realise that co-operative movement is not merely a money-lending concern, but is intended to bring about better living, better business and better methods of production.'

Personally I would submit, Sir, that this is one of the few amendments about which I feel keenly. I will not be surprised or I will not be sorry if some of my other amendments are thrown out or accepted in modified forms as honourable members may deem proper, but I feel very keen on this amendment. This amendment became necessary, Sir, after the present report of the select committee. There was an amendment at the time of the first reading by my honourable friend Rao Saheb Dadubhai Desai to put in the words in the preamble "so as to bring about better living, better business and better methods of production". That was not adopted, and the first report of the select committee did not accept that clause. The same select committee, on a second reference, has accepted that clause and given it a permanent place in the preamble, and therefore, my amendment, has now become necessary and justifiable. I consider that in order to bring about better living, better business and better methods of production the first essential condition is the spread of education amongst the masses, and unless you do it, you will not succeed. Education of the public in the principles of co-operation is an absolute necessity for the success of the movement. Education should precede registration. You are aware, Sir, or at any rate the Honourable Member in charge of the Bill is aware, that although these societies are in existence for over 20 years, they have not made that progress with which the Honourable Member may be satisfied, and the reason of it is clearly this, that these societies are looked upon in the villages as no better than sowcars, perhaps less dishonest because ten men come together and form a society, and when ten men come together each one is afraid of the other, but at the same time probably ten times more exacting and merciless. This is as it should be. People do not know what co-operation means. They have been never told and taught what it means. If, therefore, Government were to take no steps for the spread of this knowledge, they will fail in their primary duty. I consider it to be the primary duty of Government to give this education.

[Mr. S. S. Dev]

It is conceded by the best authorities on co-operative credit that the first condition for success of a co-operative society is that every member of the society should have a knowler'ge of the true principles of co-operation. If you don't satisfy this first condition your societies and your whole movement must continue to be what they are. Personally, allow me to say, Sir, that I see in this movement a germ of our regeneration. It is undoubtedly a national movement, if Government would allow it to be worked as such. I say that this movement, for the matter of that, should be taken up by the Congress and included in its constructive programme. I grant all this, but at the same time I maintain that it is the primary duty of Government to give this education to the masses. By education I do not mean knowledge how simply to read and write, but by education I mean knowledge of the true principles of co-operation. If I have understood the Bill properly and Government are not perverse and if some of the honourable members will not look upon these amendments as absurd because they are moved even after the second reference, I hope that this amendment will be accepted by Government in some shape or another. I do not consider myself a good draftsman, I have not studied drafting of legislation, there may be some defects in my draft, but if you agree with me in the principle, if you have introduced in the preamble "better living, better business and better methods of production", I submit my amendment must be acceptable to you. I hope Government will see their way to accept the amendment moved by me.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI: Mr. President, I first of all wish to compliment the honourable member who has moved this amendment as being a very able draftsman because the amendment, as he proposes it, conveys his idea to the fullest extent and therefore he need have no misgivings on that account, but to me it sounds more like a resolution than a section in an Act or a bill like that. I may assure the honourable member that I appreciate the spirit in which he has brought it and I am sure all interested in the co-operative movement in this country will appreciate the spirit underlying this amendment. But there is a further assurance which may be given if need be and that is this, that all those who are working in this cause, all the co-operative institutions which have so far come into existence, and indeed the Government are doing what is advocated in this amendment, and I do not see what further purpose would be achieved by inserting a clause like that in the bill, and asking Government to do what it is already doing. While, therefore, I sympathise with and appreciate the object of the amendment I would request the honourable member to see his way to withdraw his amendment because the whole movement is progressing towards that.....

An Honourable MEMBER: Why not accept it?

The Honourable Mr. A. M. K. DEHLAVI: An honourable member as's me, why I do not accept this amendment. I reply that no

[Mr. A. M. K. Dehlavi]

beneficial purpose would be served by inserting a clause of that nature in the bill, because no pains, no money or efforts are spared to foster the cause of co-operation in this Province. Some of the honourable members who have placed many amendments before the House have even gone the length of claiming in their speeches that the movement has so far advanced that it can now stand on its own legs and is really at its zenith. I do not agree with that assertion. I say the movement still needs nursing, but we know that every effort is being made to push on the movement as fast as possible. I therefore, think, this amendment is not necessary and I hope it will be rejected by the House.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, it is a matter of great surprise to me to find the Honourable Minister opposing an amendment which contains clear wording in the form of a declaration of intention. May I know if the Honourable Minister wants to oppose the words "educate the public" or "to spread a knowledge of the principles underlying" or whether he intends to oppose the words "intended to bring about better living, better business, and better methods of production". This is nothing short of a declaration of intention on the part of Government conveyed in a good bill or a good clause and when such principles of a general declaration are sought to be inserted in such an all-India or provincial question which concerns all parties and all people that are represented in this Council, the Honourable Minister, who owes rather a duty to his constituency and to the elected members on the other side, stands up and objects to certain words and principles, which on the very face of them.....

The Honourable Mr. A. M. K. DEHLAVI: I did not say, Sir, that I object to any words or principles.

Mr. G. I. PATEL: In that case will the Honourable Minister be pleased to state what words, what commas or what full-stops he objects to in this particular paragraph? He says he does not object to those words. May I know what he objects to then in this clause? So it is very clear that when the Honourable Minister rises to oppose such an amendment which does nothing but set out general principles or a declaration of general intentions of the Government the *bona fides* of Government come under suspicion. He should try to do away with suspicions about Government's intentions by accepting such an amendment which is directly in the interest of good government and in the interest of progress and advancement of the people generally. I am really at a loss to know just why there should be any opposition on the part of Government in such clear cases. I hope therefore that the Honourable Minister will see his way clear to accept the amendment as he himself admits that it contains nothing with which he disagrees. I trust the Honourable Minister will satisfy us by accepting this amendment.

Mr. J. A. MADAN: Mr. President, I rise to oppose the amendment. About the necessity for extensive or intensive propaganda work I do not think there can be any doubt, but I am opposed to this amendment first because I think it is redundant. This House is well aware of what

[Mr. J. A. Madan]

Government has been already doing for carrying on propaganda. This House has been sanctioning large grants for propaganda work every year, but my main objection to the amendment is quite different. In this country as well as in every other country of the world, propaganda work at least in the co-operative field has always been entrusted to non-official bodies or organisations. Here in the beginning and in the initial stages of the movement, Government had to do everything, Government had to do the propaganda work, Government officers had to do the organisation or supervision work, but we have gradually created an organisation, non-official in character, which is taking up this work and doing it, and doing it very well, taking into account the very short time it has been in existence. It is this organisation, the Institute, which is really responsible for carrying out propaganda work. If you now lay down in the Act that it is the duty of Government to do this work, you will be merely hampering the progress of the Institute which is a non-official body and which ought to do it. Here in this amendment you lay down a principle that it is the duty of Government to do it when really it is the duty of non-official bodies such as the Institute and its branches to look after this work. What is really wanted from Government is financial assistance, which Government has already been giving. The agency for carrying out the work must be mainly non-official. If you want to help us (and I am sure honourable members do want to do so), at the time of the next budget if there is any request for bigger grants to the Institute I hope the honourable House will sanction them. Government officers are doing propaganda work and Government is giving financial assistance, but I oppose this amendment mainly on the ground that I consider this work is really work to be done through non-official organisations and not by Government alone.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the amendment. Sir, it is very surprising indeed that the Registrar of Co-operative Societies should say that it is not the duty of Government to carry on propaganda work. I think it certainly is one of the primary duties of Government. Not only in villages, but even in large towns like Ahmedabad they know very little about the co-operative movement and what a co-operative society means. So far as the co-operative movement is concerned, I think the man in the street is as ignorant of it as the educated man. I fail to understand the mentality of the Government benches, when it is stated that there is nothing in this amendment to which exception can be taken and yet this amendment is opposed. I think if this amendment is accepted, it will rather help the cause. The amendment says:

"Government may take steps to educate the public and spread knowledge of the principles underlying the Act and the rules made thereunder, that people may come to realise that co-operative movement is not merely a money-lending concern, but is intended to bring about better living, better business and better methods of production".

Sir, I know it, as a matter of fact, from personal experience that the people in the villages look upon these societies as money-lending concerns just like a *sonccar*. People believe that if they borrowed money from a

[Khan Saheb A. M. Mansuri]

sowcar and if they cannot repay, they may be able to get out of the clutches of the *sowcar*, but this co-operative society is a money-lending agency of Government and they will not be able to get out of the clutches of this Government if they could not repay their borrowings since this Government of English people is a Government of Jews so far as the money-lending is concerned.

Mr. C. M. SAPTARSHI (Ahmednagar District) : Sir, the Honourable Minister, very clever lawyer that he is, expressed sympathy with the amendment, but he concealed what he in fact did not want to express, that Government did not want to undertake the burden of propagandistic work. But the Registrar, who is not a lawyer, and who does not profess to be a lawyer, gave out the real reason. The amendment seems to impose upon the Government the burden of doing propagandistic work and in fact that is a burden which Government does not want to take upon itself. That is the dispute between the honourable member for West Khandesh and the Government. Now, it is quite clear that the movement itself has been originated by the Government. We must thank the Government for that. They also profess to develop the movement. If they profess sympathy for the movement, certainly it is the duty of the Government to popularise it by propaganda, and they must take up that burden. They cannot refuse it at all. If we really insist on the growth of this movement, we must accept this amendment, and we want Government to accept the amendment and accept the burden of propagandistic work in connection with this movement.

Rao Bahadur A. U. MALJI : Sir, I desire to make it clear in the first place that I appreciate the sentiments contained in this amendment. All the same, I have to point out that the amendment falls short of the proper requirements. In fact, it leaves it to Government to educate the public. Government may do it : that is what it means. Perhaps, it is so worded intentionally to avoid any question of Government sanction for making any payment of money towards these expenses. If that be so, then I say this is not what it really ought to be. Government are not unsympathetic, and they are not lagging behind. They have been actually making grants to the Bombay Central Co-operative Institute to the tune of Rs. 25,000, and this grant is mainly intended for propaganda work. On the one hand it is said that the show is a Government show, or that it is a one-man show, and these societies are looked upon as Government concerns, and on the other hand it is being pressed that Government should educate the people. I really fail to see the consistency between the two. As a matter of fact, really speaking, this is the people's show, and as such the people should be educated through the people. Therefore, it is the Bombay Central Co-operative Institute which should be properly helped and approached in order to see that the propaganda is both intensive and extensive. With these words, I oppose the amendment.

Mr. M. S. KHUHHRO (Larkana District) : Sir, I think it is unnecessary to add the proposed clause in the bill, and I am not persuaded to believe

[Mr. M. S. Khuhro]

that there is any need to do so. The movement, everybody admits, was originally brought into existence by Government. It was initiated and originated by Government simply with the view that the people should be educated to take up their responsibilities themselves, and in order that the condition of the agriculturist, which is so poor, should be improved. Everybody knows that before this movement was started a few years ago, their condition was very bad. Government used to make takavi advances; that system was very defective, and that had to be substituted by this movement. The object of the whole of the clause is that the movement should be popularised and the people should understand that Government have initiated the movement with good intentions. For that purpose Government have started co-operative institutes in every Division, and Sind has also got its co-operative institute. Government have appointed paid agencies to carry on the work in the mofussil, and it will not take long to popularise it fully, so that every one understands it fully. It has undoubtedly made a considerable progress. People know the advantages of the movement. Anybody that has come into touch with the agriculturists will know how they are prospering now, and how they are saved from the clutches of the money lenders. Formerly they used to pay interest at the rate of 24 and 36 per cent. (An Honourable Member: In Sind only). Of course I talk of Sind. After this movement was started, the low class people, the middle class people and the agriculturists have become prosperous. Attempts are also being made to start co-operative credit societies for the zamindars and other high class people also who at times stand in need of money for improving cultivation and various such other reasons. The movement was started by Government with good intentions, and I do not feel any necessity for this clause to be inserted in the bill. I therefore oppose the amendment.

Mr. R. G. PRADHAN (Nasik District): I am afraid, Sir, some honourable members have failed to appreciate the reasons which have prompted some of the honourable members to oppose this amendment and prompt me also not to approve of it. The object underlying this amendment, is certainly a laudable one, and there can be no two opinions on that point, but the question is whether it is an amendment which should be incorporated in legislation.

The THAKOR of KERWADA: What harm is there?

The Honourable the PRESIDENT: Order, order. The honourable member will have an opportunity to speak.

Mr. R. G. PRADHAN: In the first place, as one honourable member has pointed out, the amendment does not impose any obligation on the Government themselves. Suppose the amendment is incorporated in the bill, is it obligatory on the Government to do what is stated in the amendment? Moreover, it appears to me that the main responsibility to carry on propaganda on the lines suggested in the amendment should rest on the people themselves. In principle, I am opposed, in the main, to propaganda carried on by Government. Frankly speaking, I have very little faith in the work of propaganda which is undertaken by

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Government and carried on by Government. I have often felt, and strongly desired, that propaganda on behalf of any good object or any good movement should be carried on by the people themselves (Mr. P. G. Joshi : Where is the money ?). My honourable friend asks where is the money. If the people are so keen on this question, as they ought to be, they ought to raise the money themselves. And I venture to suggest, Sir, that the co-operative movement has now reached such a stage in its development that if propaganda is carried on by non-official bodies, say, for instance, as has been suggested by my honourable friend Mr. Dev, by the Congress, and if an appeal is made by leaders of public thought to raise the amount of money that may be required for carrying on the propaganda, I have not the least doubt that thousands and millions will be raised. So, the fear of my honourable friend for East Khandesh of there being no necessary funds for carrying on the propaganda is absolutely groundless. And does it seem reasonable, expedient and wise on our part to be keen on this question, to say that this movement should be more and more popularised and freed from Government control, and at the same time to say that we have not the necessary amount of money and that Government should give us financial aid to carry on propaganda ? It is a position which seems to me so inconsistent,—I venture to say, so ridiculous,—that I for one would never be a party to it.

There is another reason also which makes me unfavourably disposed to this amendment being put in the statute. It seems to me that in framing legislation we have to look at the bill from the legislator's point of view, from the point of view of good drafting of legislation. And looking at this amendment from that point of view, I do not think that this amendment should be incorporated. Moreover it does not come in proper sequence after clause 4. Clause 4 simply says that Government may appoint a registrar ; it does not specify any duties that Government may do or should do with regard to the co-operative movement. The amendment proposes an additional clause, clause 4A. Clause 4 simply says that the registrar should be appointed, and this clause does not come in its proper sequence.

But my main ground is that in principle I am opposed to propaganda being carried on by Government. We have now sufficiently developed and the movement has sufficiently advanced. Let us take the work of propaganda in our own hands and let us raise the money for carrying on that propaganda out of our own self-sacrifice.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Sir, I am very surprised at the argument advanced by the last speaker. Although I agree that the amendment proposed is not in its proper place, at the same time I think that the object mentioned in the amendment has been accepted by all honourable members who oppose the amendment. When that is so, I really do not see why the honourable gentlemen sitting on the Government benches cannot find out a way to draft the amendment in such a way as to make it acceptable. We all feel that the stage when we can cease to ask for Government aid has not arrived yet. The honourable member Mr. Pradhan says that this propaganda should be

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carried on by the public. Well, we have not reached that stage when we can do without Government aid. Therefore, I would like to suggest to the Honourable Minister, himself a great lawyer, that with the help of the gentlemen at his back who are legal men, he should himself bring an amendment embodying this principle. I think that the principle of the amendment should be embodied in the Act. What is the use of saying that we all believe in the principle? There is no harm in embodying the principle in the Act.

The Honourable Mr. B. V. JADHAV: Sir, whatever the views of the individual members of this House about the necessity or otherwise of this amendment be, one thing is clear, that all of us have recognised the necessity of propaganda to educate the masses about the necessity and the uses of the co-operative movement. The question now arises, what should be the agency to carry on this propaganda? We shall first see what the past experience in this respect has been. The Co-operative Societies Act was passed in 1904 and the registrar was appointed. It was the registrar who then carried out the propaganda work. The district of Satara, Sir, had the good fortune, or one may say the misfortune, of having the collector of that place as the registrar of co-operative societies. A large number of societies sprang up as the result of the direct encouragement given by the collector of the district assisted by the deputy collectors and the mamlatdars and all the paraphernalia of the Revenue department. The movement grew up all of a sudden, and co-operative societies were registered in this village and that village and it appeared that Satara had caught the co-operative spirit. But the weak point soon became apparent with the result that for many years the district was described in official reports as the plague spot of co-operation. This result was mainly due to propaganda being carried on by Government by the aid of Government officials, among people who were not at all convinced about the goodness of the movement. They did not care to understand how beneficial it was, or how it ought to be worked. They saw that the collector was after it, that the deputy collector was after it, and that the mamlatdar was after it, and in village after village prominent men came forward and formed co-operative societies. The formation of societies went on merrily without any regard to what the ultimate result would be. Government at last realised that the propaganda as carried on by this agency was not of much value and that the masses were not satisfactorily educated in the principles of co-operation. The need of private agency for propaganda was keenly felt. It was through Government encouragement and Government aid that the Co-operative Institute was started.

The history of co-operation in other countries proves the same. In Germany for instance co-operation was started not by Government, not under Government auspices or with Government encouragement, but in spite of Government hostility, and to this the strength of the movement there is due. When co-operation flourished and benefited the people Government had to admit that the movement was for the good of the

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people. In Denmark and in Ireland the movement flourished in spite of want of Government aid. The originators of the co-operative institutes here have kept this ideal of these countries in view and the Plunkett House stands as a monument to the success of private propaganda. We want to create a Plunkett House in the city of Bombay for the whole of the Presidency and also in the chief cities of different provinces, and when our co-operative movement reaches that stage and propaganda work is taken up wholly by the Co-operative Institute, then alone propaganda work will bear proper fruit. It is said that it is the duty of Government to educate the people and Government have never denied or shirked that duty. They have always recognized that duty and they are doing their part. But Government find that their agency is not an ideal agency. When they realized this they at once encouraged the starting of the Co-operative Institute and from year to year an increasing grant has been given to help the finances of the Institute and this year the sum of Rs. 28,000 has been budgetted to enable the Co-operative Institute to carry on propaganda. Not only that but Government have formed the taluka development associations and divisional boards for encouraging agriculture and co-operation together and in these ways Government have been financially helping these non-official bodies to carry on the work of propaganda in different talukas. Government have recognised their duty and they have been discharging it but they know that direct Government agency is not the agency that is suited for this work, and is not the agency that is expected to achieve valuable results, and they therefore are ready to encourage non-official element in this work of propaganda. It will be for this House to decide whether they want to have Government agency for propaganda work or whether they will like to have non-official agency for that work. If you support the amendment of the honourable member from West Khandesh, Mr. Dev, it will mean that you have greater faith in the efficacy of Government agency for this work, but if you think that private agency will succeed better than Government agency, then I think it will be your duty to ask the honourable member for West Khandesh, Mr. Dev, to withdraw his amendment or to vote against it.

Mr. J. BAPTISTA (Bombay City, North): Sir, I had no intention whatever in taking part in the debate on this amendment moved by the honourable member from West Khandesh, Mr. Dev, but I cannot overlook copying the example of a non-co-operator preaching co-operation to Government. While he was speaking that co-operation was not understood by the people somebody said they understand co-operation remarkably well.

When I first read this amendment I thought it was not a good thing for the body of the law, because I thought it would be an excellent thing in the preface or preamble, because then it would be like a pious resolution than as a section of the Act. But after I heard the registrar on the subject, I feel inclined to believe that the proper place for it is in the body of the Act, because he told us distinctly that he thought that Government could not

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do this propaganda work but that it is the duty of the people to do this work, and the Honourable Minister of Education said to us that Satara was the plague spot for this co-operative movement. I do not know if he has succeeded in making it the beauty spot of Government co-operative movement. It may be that in some parts Government are unable to make headway and it is equally true that people are unable to make headway in some places, but I think in both these cases the result will be far better if each one would be working in its own line, and I ask the Honourable Minister in charge to accept this amendment. The Honourable Minister for Education said just now that although Government have undertaken the work people have no confidence and therefore they fight shy of this. If they accept this they will give an indication that they recognise that the Government machinery is efficient. Why should not the Honourable Minister accept such an amendment from a non-co-operator and a Swarajist, passes my comprehension, and I ask Government and the Honourable Minister earnestly to accept this amendment. That is the only method, after the speeches that have been made by Government members, to inspire confidence and not merely to stop at lip sympathy. I am certain that Government have done a great deal in this matter, and I fully recognise that they have done a good deal in the commencement, but that it is not enough because the movement is still in its infancy and to carry it on thoroughly the amendment proposed would be recognised as one of the best methods of the economic salvation of this land. Why not accept this amendment when they tell us distinctly that they are doing all they can. If this amendment is accepted they will be perfectly justified in asking for money and I do not think that this side could hesitate to give the money that is wanted. I hope better counsel will prevail and that the Honourable Minister will accept this amendment. I have reason to give my support to this amendment because I have watched this movement with paternal care in the villages and I know that good officers encourage this movement and inspire confidence in the people but if both Government and private agencies co-operate in this matter it means best kind of success.

Mr. V. N. JOG (Dharwar District): Sir, I am one of those who believe that if co-operation should succeed it should succeed on self-help and on that principle I oppose the amendment brought forward by the honourable member from West Khandesh, Mr. Dev. It is said that Government's help is necessary and that therefore this amendment is necessary. It has been said also with regard to the wording of this clause that it does not make it obligatory on Government to take steps to educate the public in the principles of co-operation.

As a matter of fact Government has been taking steps in this direction and has been helping the movement financially, and in other respects many privileges have been given to the Co-operative Societies and grants to the Co-operative Institute and conferences which do propagandistic work. I for one having worked the movement for fifteen years in the Karnatic, find that simply because there educated people have come forward and have taken part in the co-operative movement that co-operation has

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gone ahead in these parts. You will find, Sir in the reports that Karnatic and especially the district of Dharwar is foremost in the development of this movement and it has to its credit 800 societies. They are not only money lending societies but there are also producers' societies, good building societies, such as the Saraswat and Reddi and other various societies, which are not merely resource societies. If only, as I have already said, the educated people had been coming forward, various kinds of societies would have been started in large numbers. As regards the Government aid, if Government is going to give money to start societies and societies are started through the help of Government money, I submit, Sir, there will be favouritism and people who have got some ulterior motives will come forward and make a show of starting societies and the result, as the Honourable Minister for Education has pointed out, would be as it has happened in Satara. Even now as the Act stands, there are possibilities in various ways of taking the help of Government. Government can without having a special clause in the bill, by making proper rules, give the aid which the societies require, and in the bill itself I may point out to this House there is a clause 39 which requires that the society has to keep aside a reserve fund of 25 per cent. That fund in the course of ten or fifteen years may come to a decent sum from which the society itself can start various associations in the neighbourhood to give education in the way in which my honourable friend Mr. Dev wants it. I may quote the instance of my own society, which has got about Rs. 58,000 as a reserve fund and also an education fund which amounts to about Rs. 600 per mensem with which education, of the kind my honourable friend Mr. Dev wants, can be undertaken by the society. Self-help is the best remedy to advance. We can have full control over the persons whom we appoint in this respect. Year by year the funds go on increasing. Now the Act has restricted the profits to 10 per cent. and some concessions are given to the societies, we have got various privileges such as remission or exemption of stamps and from income tax, court-fees, etc., and the societies can build up a good reserve fund and from that fund they can start various organisations for meeting together. From this fund they can give education, and that education will be more beneficial and solid than the education which can be given by the officers of Government. It has already been provided in the bill in clause 39 (2) where it says :

"such reserve fund may, with the previous sanction of Government, be used in part for some public purpose likely to promote the objects of this Act." and the preamble itself is clear. It says :

"Whereas it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help, and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production."

From these provisions it is permissible for Government to take such steps as they deem fit in this direction. If a society comes forward with a request that the reserve fund or a part of it should be used for education of this sort, the Government would be too glad to give its sanction for the purpose. In short, I submit, Sir, that this amendment is not necessary. I must say also that it is not properly worded as it has not been

[Mr. V. N. Jog]

said what particular steps the Government should take. It is too vague and general. For these reasons, I oppose the amendment.

The Honourable Mr. LALUBHAI SAMALDAS: Sir, I believe there has been some confusion in the minds of many of the honourable members who have supported this amendment. My honourable friend Mr. Dev made quite clear what he wanted. As one heard him one was able to understand that his desire was to help the movement. He was sincere in all that he said and was earnest. I fear the same was not the attitude of my two friends from Ahmedabad. They began to say anything that they could against the whole movement, *e.g.*, that this was a Jewish movement, and that it was in the hands of the Jews, and one of them said that the villager was as ignorant as an educated man. I do not know whether he wanted to say that the educated man was also ignorant. But if the movement has not gone on, Sir, it is not on account of the want of Government's help. Some educated people and the Government have joined their hands in this matter and good work has been the result of this co-working. As my honourable friend Mr. Jog said and my honourable friend Mr. Pradhan said that where both the educated and the ignorant classes have joined their hands they are able to carry on propaganda work. This propaganda and education work has to be done by those who take keen interest in the movement. It is not a question really of money. My honourable friend from Bombay wants co-operation between Government and the non-officials. That co-operation is going on. I wish my honourable friends from Bombay would join the Co-operative Institute and tell us if we are going wrong, and if we are not going wrong, they can help us in going forward. To show that attempts are being made to carry on propaganda work in districts, I shall give the instance of the Provincial Co-operative Bank starting a federation to help co-operative societies in Ahmedabad to learn to manage their financial affairs. The Provincial Co-operative Bank gave financial assistance to the federation in its early stages. Government also was prepared to help, and yet we did not find a sufficient number of capable persons coming forward. The honourable members have to realise that it is not merely the efforts to help the federation of a few non-official members that will lead to success of this movement. A duty lies on the shoulders of those leaders of public thought in the mofussil who really care for the agriculturists, as all of us ought to care, to take active interest in the progress of the movement. Sir, we have all been doing our bit, all of us, the Government, the Co-operative Institute, and the Provincial Bank both as regards financial help to and propaganda work for the movement. The co-operative institute is receiving financial assistance from Government, and over and above this Government themselves are doing some propaganda work on their own. Whenever the Co-operative Institute was in need of funds, it went to the Registrar and he was able to persuade Government to give funds for the purpose. There has been no want of funds for propaganda. What we have felt is the want of workers, and I appeal to my honourable friends here to do all that they can to popularise the co-operative movement and to remove the want

[Mr. Lalubhai Samaldas]

of workers, and I am quite sure what we and they have at heart will be carried out.

Sir, one word as regards the amendment itself. The amendment does not lay any duties on Government. As was said by some honourable member, it is something like a pious resolution. My honourable friend the mover of the amendment himself acknowledged that he was not very strong at drafting. He said Government may do what is needful. Unless you are prepared to give definite duties to Government, it is no use your merely making indefinite suggestions. Government are not afraid to do their duty; they are quite prepared to do their duty. If you have got confidence in Government, that they can and will carry on their duty in this matter in the right manner, do not please goad them unnecessarily. Some honourable members said that the bill gives autocratic powers to the Registrar; as Government can carry the proposed propaganda work through the Registrar, the Registrar will have such further powers. Either the Government should be trusted and no mention should be made of their autocracy or the public should take up the work in their own hands. The latter course is the ideal one but the time has not yet come to attain that goal. I appeal to my honourable friend Mr. Dev to see whether he cannot see his way to withdraw the amendment.

Mr. V. A. GRANTHAM: I move the closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. S. S. DEV (West Khandesh District): Sir, how can I withdraw the amendment when nobody has said anything against it? Every honourable member that spoke, approved of the principle. It has become difficult for me to withdraw the amendment. If you want the co-operative movement to be a reality and not a sham, Government must take steps to educate the masses in the principle of co-operation. I leave it to Government to decide what they want. If you want a sham, reject my amendment. But if you wish to make co-operation a reality, you must accept my amendment which asks Government to take steps to educate the public in the principles of co-operation. They say they have been doing it; if so why not legalise what you do? Why not do it on the strength of this clause? It was also said that the action of Government would be looked upon with suspicion. It appears Government have got a very curious notion of themselves. But I don't want Government agencies to undertake this education. I only say that Government may take steps to spread education and those steps may be taken through non-official bodies. If Government were to reject this amendment, the suspicion, if any, will be strengthened. People may then be justified in entertaining a suspicion that this movement is not meant for the purpose for which it is said to be. If Government are not anxious that the people should rightly understand the movement, if they do not want that people should be educated in the principles of a movement which will bring about their regeneration, let them reject my amendment. By introducing this clause I intended to strengthen the hands of the

[Mr. S. S. Dev]

Honourable Minister but if he himself does not wish to be strengthened, none else can save him.

Another puerile objection was raised, that the clause I have proposed was not in its right place. I say Government may assign any place they like to it anywhere in this bill. I moved it in this place because I thought that that was the best place for it. It precedes the clause about registration and I consider that before registration there must be education. No honourable member has raised any objections against the principles contained in the amendment. Some have maintained that the work of education should be done by non-official bodies. I do not say no to it. Let the work be entrusted to non-official bodies on the strength of this clause. I have been desired by some honourable members on the part of Government to withdraw my amendment, but I would ask them in return in all seriousness to accept the amendment in the spirit in which I have moved it.

The Honourable Mr. A. M. K. DEHLAVI : Sir, the honourable mover has given us the liberty to give this proposed clause the very best place which can be given in the bill. I share the view that it is not in its proper place. But in all sincerity, if it may be believed, both as the representative of the people, and as holding this particular charge representing Government, I willingly give it a place in my heart. I am of opinion that if we could only see facts in the face, and realise them as they are, many of our difficulties would vanish immediately. As has been admitted by an honourable member on the other side, Government themselves have brought this movement into this country, and given it an impetus which will last long, and this they have done in the vital interests of the country. Not only that but it was stated by an honourable member that he seemed to think that the movement had reached its zenith. I have been asked, if I agree with all that, as to why I do not accept the amendment. Why? I say that the amendment as it is proposed is already accepted in spirit, in the letter and in action everywhere. Every Government officer of the Co-operative Department is a propaganda officer. It is a matter of duty to him and he discharges that to the satisfaction of the people and Government, and there is not one member here who would raise a voice against that statement. Then, it must be clearly understood that Government do not grudge financial aid, they have never grudged it. They do give it substantially to-day, and they will ever be ready to give it with the consent of this House to a larger extent if necessary in future. May I inform the House that for this propaganda work, Government have within the last three or four years raised the amount from Rs. 5,000 to Rs. 28,000 and that is all for the propaganda work. It is really wrong to say that Government is not doing its duty. Why blow hot and cold in the same breath? Why say that you do not want Government control in one breath, and in another say that you want Government to do all? Government has been doing its own part in fostering the movement and they expect the people to do their part in their turn.

There is just one more point with regard to the question as to why I do not accept this amendment. The honourable member, Rao Bahadur

(Mr. A. M. K. Dehlavi)

Malji, has clearly pointed out that the proposition as it stands, and as it is worded by the honourable member, Mr. Dev, is really redundant. There is no earthly merit or benefit in accepting it and in embodying it in the bill as it stands. The honourable mover must come out and say in plain words and draft it in language which should openly show that Government monetary aid is wanted. In that case, of course, it would be treated differently. As it stands, it is not useful in the bill for the reason that it does not convey much. And also for the important reason that Government is already doing a lot. I have nothing more to add and I therefore submit that the amendment should be rejected.

Question put. House divided.

Ayes 30 ; Noes 55. Motion lost.

Division No. 6.

Ayes.

ABDULPURKAB, Mr. N. A.
ADWANI, Mr. D. B.
BAPTISTA, Mr. J.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOSHI, Mr. P. G.
KOTHAEL, Mr. V. R.
LALLJEE, Mr. HOOSEINBHAY A.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.

NANAL, Mr. B. R.
NARIYVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
RAHIMTOOLA, Mr. HOOSERNALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of KERWADA, the
VELKAR, Dr. M. B.

Tellers for the Ayes : Khan Saheb A. M. MANSURI and Mr. C. M. SAPTARSHI.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDEZ, Dr. COSMAS
FRANJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAMID Mr. ABDUL ALL, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JEBHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
KALBHOR, Mr. G. M.
KANBLI, Mr. S. T.

KAY, Mr. J. A.
KHURRO, Mr. M. S.
LALUSHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MADAN, Mr. J. A.
MALJI, Rao Bahadur A. U.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, SARDAR G. N.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAINTER, Mr. H. I.
PATHAN, Khan Bahadur JAN MAHOMED
KHAN.
PATIL, Mr. D. R.
PETCH, Mr. F. W.
PRADHAN, Mr. R. G.
SARDESAL, Mr. S. A.
SAYED GHULAM NABI SHAH
SHINDE, Mr. R. D.
SURVE, Mr. A. N.
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. N. N.
WILES, Mr. G.
WOODS, Mr. E. E.

Tellers for the Noes : Mr. M. S. KHURRO and Mr. V. N. JOG.

(After recess.)

Clause 5 (*Societies which may be registered*).

Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability:

Provided that, unless Government by general or special order otherwise direct—

(1) the liability of a society of which a member is a registered society shall be limited:

(2) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society, shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all obligations of such a society.

Provided further that when the question whether the liability of a society is limited or unlimited has once been decided by the Registrar at the time of registration his decision shall be final.

Mr. S. S. DEV (West Khandesh): Sir, the amendment which I wish to move is:

In clause 5, sub-clause (1), for "a member is a registered society" substitute "another society is a member".

I seek your permission, Sir, to make the amendment look better by making the amendment read as follows:—

"In clause 5, sub-clause (1), drop the word 'registered.'"

The Honourable the PRESIDENT: I see no objection to allowing that amendment. The amendment proposed will be

"In clause 5, sub-clause (1), drop the word 'registered.'"

The Honourable Mr. A. M. K. DEHLAVI: Sir, I accept the amendment. Amendment put and carried.

Mr. H. H. NARIELVALA (Broach District): Sir, the amendment that I wish to move is:

Clause 5 (2), omit the words "And of which no member is a registered society".

I think these words are redundant. In that clause, it is stated that the liability of a society shall be unlimited. I do not see why the words "and of which no member is a registered society" are added, as the liability of a limited society is described in sub-clause (1). Therefore the words I move to be omitted are redundant.

Amendment proposed.

Mr. J. A. MADAN: Sir, I should like to oppose this amendment. Under this clause the liability of a society is to be necessarily unlimited if three conditions are satisfied; namely, it must be a society for the creation of funds to be lent out to its members; secondly, it must be a society of which the majority of members are agriculturists, and thirdly it must be a society of which no member is a registered society. The honourable member by his amendment desires to omit the last condition. If that is done, the result will be that some of our Central Banks, of which a majority of the members may be agriculturists, will have unlimited liability. I do not expect that my honourable friend desires that it should be so. The Central Banks cannot possibly assume unlimited liability. Similarly, there are other kinds of societies which would also necessarily have to be of unlimited liability. That would be certainly undesirable. I therefore hope that the amendment proposed may not be accepted.

Mr. H. H. NARIELVALA : Sir, I ask for leave to withdraw the amendment.

Question put and leave granted.

Mr. S. S. DEV (West Khandesh District) : Sir, the amendment which I wish to move is somewhat important. It is as follows :

In clause 5, sub-clause (2), delete "on its liquidation" and add at the end of that sub-clause and before the proviso "and such liability can be enforced at any time".

I believe that, to call a society a society with unlimited liability and yet to postpone the enforcement of the liability till its liquidation is a contradiction in terms. How can you postpone the liability ? I submit that the joint and several liability is the only thing upon which creditors can rely. To shut this remedy to the creditors is to shut the flow of funds. This is how I interpret the clause. I therefore submit that "on its liquidation" should be deleted and the words proposed by me should be added. For, as you can see, the registrar will always be very loath to liquidate a society ; it will be the very last thing he will do. Until all the affairs of the society have gone from bad to worse and until all good, honest and prominent men have left the society, it will not be liquidated. If the creditor is to wait till then, who will advance any money to such a society ? I think nothing should be done to diminish the credit of a society in the eyes of the public.

Question proposed.

Rao Bahadur A. U. MALJI : Sir, I oppose this amendment. The amendment, if accepted, would make our societies liable to be dragged to courts very often. If a member of the society has deposited money with the society, he can have arbitration. But if an outsider has deposited money with a society with unlimited liability, and if he wants to have the money as soon as it is due, the only alternative for him is to go to the court, for there will be no arbitration between him and the society. Now, we are generally averse to sending our societies to courts. And secondly if we allow his rights to be enforced before liquidation, there is this fundamental objection, namely that people who join the movement to help and encourage the movement with their presence—and we have such people—will simply be frightened away if they know that if the society does not pay the money when due, they being members of an unlimited society, the money may be recovered from them at any time. As a matter of fact the money is not lost to the creditor : his money is safe, for the unlimited liability is there. We have made provision elsewhere to give even interest from the date of liquidation till payment. Now if we enforce this condition in the infancy of the movement, we will be frightening away the people by telling them that their responsibility will be called in at any moment. I therefore suggest that until the evil day comes the members of the society should not be made individually liable for the payment of debts due. I therefore think that in the interest of the movement, this amendment should be opposed.

Mr. J. A. MADAN : Sir, I only want to mention one or two points. The first is that the words "on its liquidation" were purposely introduced by the Select Committee, because it was thought desirable that the

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unlimited liability to which every member of a society organised on that basis is exposed, should be enforceable only when the society goes into liquidation. The unlimited liability should be construed to mean "unlimited contributory liability" that is to say, the members are liable to make contributions to make up any deficiency in the assets of the society when it is wound up. It would be very undesirable if the creditors were allowed to enforce unlimited liability for the society's debts even against individual members of a society before the liquidation, for as has been rightly pointed out by my honourable friend Mr. Malji, the procedure will prevent many good members who now join a society merely to help it, from joining it, for they will be afraid of running the risk of having their property attached for debts incurred not by themselves, but by the society, even before the society goes into liquidation. Now it has been asked as to what would be the security for the creditor if the words are retained and it was stated that there will be no unlimited liability; but if the society makes default there is clause 44, under which if any society is unable to meet its liability, the creditor can ask the Registrar to inspect the books of the society and if the Registrar finds that the society is not able to pay its debts, it can be liquidated. In these circumstances, Sir, I do not think that the position of the creditor is in any way endangered. I, therefore, oppose the amendment.

Mr. S. S. DEV: I beg permission to withdraw the amendment.

Question put and leave granted.

Clause 5 ordered to stand part of the bill.

Clause 6 (Restrictions on interest of member of society with limited liability and a share capital.)

Where the liability of the members of a society is limited by shares, no member other than a society shall

(a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules: or

(b) have or claim any interest in the shares of the society exceeding three thousand rupees: provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rs. 10,000.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to move the amendment that stands in my name namely:

In clause 6 (b) substitute the words "five hundred" for the words "three thousand" and substitute "3,000" for "10,000".

It will be seen that the whole clause is made applicable to members of societies whose liability is limited. As a matter of fact, Sir, we know that often persons ostensibly having no property are allowed to become members of such societies by purchasing certain shares, and under this bill such members are allowed to purchase shares to the extent of Rs. 10,000 in housing societies and to the extent of Rs. 3,000 in any other society. Now, this clause should be read in the light of clause 26 which makes the share of a member unattachable and unsaleable under the orders of the court. I think, Sir, it is not fair to the creditor that the interest of a member should be made unattachable and I think that creditors should be allowed to have a lien on the share or interest in the

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share of the member of such limited liability society. But, Sir, if this view is not acceptable to the House, then I beg to propose that the limit that is imposed in clause 6 should be brought down from Rs. 10,000 in the case of housing societies to Rs. 3,000 and from Rs. 3,000 to Rs. 500 in the case of other societies. I think, Sir, if the interest is made unattachable the limit should be decreased. It is with this view that I have brought forward this amendment.

Question proposed.

Mr. M. D. KARKI (Kanara District): Sir, I rise to oppose the motion. Share capital is an asset of the society. It is on the security of it that members as well as non-members make deposits in and advance loans to the society. Though disputed in some quarters it is a fact beyond doubt that people living in the rural as well as in mofussil urban areas are poor and they cannot afford to purchase many of the shares floated by the society. It is only in one or two instances that we can find monied men in such localities. The minimum limit that is fixed for membership is purchase of one share. It is so fixed because of the poverty of people as also because there in mofussil, soon after the registration of the societies, it is not possible and besides not good to register as many members as we like. We will have to register the members slowly. If we do not do that there will be a rush of applications for loans all at once in the society. Now if the majority of members are unable to purchase sufficient shares to form a share capital for the society at its initial stage, one or two monied men in the said localities will have to be approached for substantial help by their purchasing more shares. Therefore provision should have to be made for that purpose. In clause (a) it is stated :

" Hold more than such portion of the share capital of the society, subject to a maximum of one-fifth as may be prescribed by the rules."

and in clause (b) it is stated :

" Have or claim any interest in the shares of the society exceeding three thousand rupees provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rupees Ten Thousand."

If the amount is five hundred and one thousand respectively instead of three thousand and ten thousand there will be no room for raising share capital at the initial stage of the societies. Under the provisions in the clause we can get hold of monied men to purchase more shares. The amount as fixed is therefore very reasonable. If it is curtailed the share capital cannot be made up. Then it should not be made attachable. If it is made attachable the stability of the society will be at stake. The amount of the share capital is advanced on long term loans to members. If that is made attachable by the creditors, there will be a disturbance created in the society because of the difficulty of the society to find out money to pay the creditors of the shareholders every now and then. The clause also provides a safeguard against the monopolising of the share capital. The amounts as given in the clause are reasonable and therefore they should be retained.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I rise to oppose this amendment. If we accept the amendment, I am afraid it will strike at the very root of the movement. Honourable members are aware that people residing in the rural areas are poor and do not come forward to join a movement which is in its initial stage and are reluctant to purchase shares. So, if we reduce this limit, we will get very few people to purchase shares, and in that case I do not think we will have many societies. One great disadvantage of investing money in co-operative societies is that there is a limited dividend, while that is not the case in joint stock companies. Again, Sir, if we compare the constitution of co-operative societies with the constitution of joint stock companies we find that the man who purchases a larger number of shares in joint stock companies has a larger number of votes, but in co-operative societies a person might hold a hundred shares but only has a single vote. The honourable mover should take into consideration these disadvantages connected with the investment of money in co-operative societies. Therefore, the condition that their shares will not be attached is an inducement to the people to come forward to invest money in this movement, which is in the interests of the masses. Moneys in the provident fund are not liable to be attached, as shares in co-operative societies are not attachable. It is a movement intended for the masses for whom honourable members generally hold a brief, and they should not try to arrest the movement in this way.

Rao Bahadur A. U. MALJI: Sir, I also rise to oppose the amendment and my grounds are, first that if these figures are reduced the movement will be paralysed. These figures mostly concern the central co-operative banks because no capital comes out from the rural areas. Mainly this capital comes from individual members who may be induced to join the central co-operative banks and to invest funds therein. Therefore if we reduce these figures then they will be investing only small sums in spite of the fact that they are ready to help their brethren by investing large amounts. Mr. Calvert has examined the question and the committee on co-operation say in dealing with this question that they came to the conclusion that so far as the central banks are concerned greater liberty should be left to them. I will only quote a few lines from Calvert referring to the report of the committee on co-operation.

"This restriction may be removed by general or special order of Local Government passed under section 46 and the Committee on co-operation considered that the statutory limit may be raised to some higher figure such as Rs. 5,000 or 7,500 where difficulty is experienced in raising sufficient share capital for central banks but added that in such cases precaution should be taken to ensure that each shareholder should not be allowed more than one vote."

We have therefore provided this vote limit under the present Act in order that people of limited means may be able to come in also. If the figure is changed people of larger means may not come in and the societies will thus suffer. This amendment therefore if allowed would, as I said, simply paralyse the movement.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I rise to oppose this amendment. I will just give one concrete instance of the

[Khan Bahadur S. N. Bhutto]

central co-operative bank at Larkana where we have had great difficulty in building up our share capital. The Honourable Minister for Local Self-government has explained to the House in the district of Larkana there are no business people and we had therefore to depend solely on very few monied people, and most of them being agriculturists they can not appreciate the value of investing their money in the central co-operative bank where profit is little and limited. We had therefore to persuade them to invest their money in shares. Unless we are able to raise share capital it is very difficult for us to have a good working capital. We have started this bank at Larkana for the last three years, and I am glad to inform the House that our working capital within three years has reached nearly nine lakhs of Rupees. If we had followed the rules we could not have been able to get this capital. In spite of the orders of the Registrar I had to defy him and to sell shares to the extent of five thousand Rupees to rich individual people like my honourable friend Mr. Khuhro. Under the rules we are not allowed to let a single man hold shares to that extent but in order to keep the bank going I had to defy the rules. Otherwise it would not have been possible for us to accept deposits so big as we have done because there are so few people there who care to take interest in a bank like this and we have to depend upon their patriotism. It will therefore be very hard to reduce this limit of three thousand rupees. On these grounds I oppose this amendment.

The Honourable Mr. B. V. JADHAV (Rose.)

The Honourable the PRESIDENT: There have been so many speeches opposing the amendment while there has not been a single speech in support of it, and unless the Honourable Minister of Education insists, I would prefer to restrict the speeches to one side of the issue before the House.

The Honourable Mr. B. V. JADHAV: I would like to show that if this amendment is accepted many of the central banks would have to be closed.

The Honourable the PRESIDENT: How are we going through a bill like this if speeches in support of or against are to be made continuously one after another?

If there was any support to the amendment I could quite appreciate the other side being fully heard. Why not wait till such speeches are made? Then you would be welcome, to address the House. But of course if honourable members on this side of the House wish to insist upon their right to speak I cannot prevent it.

Mr. P. G. JOSHI (East Khandesh District): I have seen, Sir, that the consensus of opinion is against my amendment and, therefore, I will take the advice of the Honourable Minister for Local Self-Government and ask for leave to withdraw the amendment.

Question put and leave granted.

Clause 6 ordered to stand part of the bill.

Clause 7 (Conditions of registration).

(1) No society, other than a society of which a member is a society, shall be registered under this Act, which does not consist of at least ten persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

(a) reside in the same town or village or in the same group of villages; or

(b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Act.

Mr. R. G. SOMAN (Satara District): I beg to move, Sir,

In clause 7, paragraph (a), substitute the word "and" for the word "or" at the end.

It may be seen from the wording of the clause that in the case of registration of a society one or the other condition has to be complied with according to the present construction. The words are:

"reside in the same town or village or in the same group of villages; or save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation."

I desire, Sir, that both these conditions should be fulfilled before a society is registered. The members ought to be the persons residing in the same town or locality and also, so far as possible, unless the Registrar otherwise directs, they should be the members of the same tribe, class, caste or occupation. Therefore, I have to submit that it would be in the interest of the society itself to have it formed of persons of the same denomination, of the same class, also of the same locality. Hence I have to submit this amendment for the consideration of this House and I trust it will be accepted.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to oppose the amendment. I can say from my own experience that we had a housing society and the houses were to be started at Dadar. I live at Thana and I belong to the same community for whom the society was meant and I also purchased a plot there for having a building there. So, members of my community alone could be members of that society though they may not actually live at Dadar. If this amendment is accepted, such a society can never be formed. I cannot understand the logic of my honourable friend when he wishes that the persons forming the society should be from the same caste or class but must reside in the same locality before such a society could be formed. I say, why not start a society for members of the same community, who belong to the same class or caste, even if they do not stay in the immediate neighbourhood or locality, if they want to form a society? So, if this amendment is accepted, such a society cannot be formed, and I therefore strongly oppose this amendment.

Mr. V. N. JOG (Dharwar District): Sir, I rise to oppose the amendment. This amendment cuts at the very root of the co-operative principle. It says that the persons forming a society should belong to the same class and community. That means the members of the community should only co-operate. That would take away the real principle underlying this movement, and would come in the way of the various

[Mr. V. N. Jog]

communities merging together. It will be a great hindrance in the development of nationalism. Only yesterday, Sir, we have heard so many speeches in which this communal spirit was condemned. If we are again to accept this amendment, there will be communal spirit everywhere and it will be an obstacle in the various classes or communities coming together. On that ground alone I oppose this amendment.

Mr. R. G. SOMAN (Satara District): I have only one word, Sir, in reply. My honourable friends are labouring under some misunderstanding. The honourable member Mr. Jog said that I was for communal interests so far as this amendment is concerned. But I only wish to substitute the word "and" for the word "or". I never questioned the right of the Registrar to direct that persons of different communities should unite. That solely lies in the power of the Registrar, and my honourable friend Mr. Pradhan said that by my amendment the interests of the housing societies would suffer. But the present clause relates to societies formed for the creation of a fund. So I submit that my amendment should be accepted.

The Honourable Mr. A. M. K. DEHLAVI: I have nothing further, Sir, except to say that if the word "and" is added, both the conditions would have to be fulfilled.

Question put and lost.

Clause 7 ordered to stand part of the bill.

Clause 8 (*Power of Registrar to decide certain questions*).

When any question arises whether for the purpose of the formation, or registration or continuance of a society under this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.

Mr. L. B. BHOPATKAR (Poona City): Sir, my amendment is very simple and it is to the following effect:

From clause 8 delete the words "whose decision shall be final".

I propose this amendment mainly from one point of view. As you know there is such an Act as the Deccan Agriculturists' Relief Act and one of the concessions made by that Act is that any personal decree passed against an agriculturist will not be executed against his immovable property. One of the effects of this clause, if my amendments is not accepted, will be that any decision that will be arrived at by the Registrar will be quoted as a piece of evidence in a civil suit and will have a great evidentiary value. If a person, for the purposes of the Co-operative Societies Act, is taken to be a non-agriculturist though he may be an agriculturist, the decision of the Registrar will be filed in a civil court and will be given a great evidentiary value. The result of it will be that even though under the ordinary law, under the provisions of the Deccan Agriculturists' Relief Act, the agriculturist's immovable property would be exempted from attachment and sale on the strength of the decision of the Registrar his property would be liable for attachment. I quite realize, Sir, that in case my amendment is accepted

[Mr. L. B. Bhopatkar]

by the House, clause 64 of the bill will have to undergo some modification. Clause 64 deals with certain cases in which an appeal is allowed against the order of the Registrar; and it is true that if the words "whose orders shall be final" are deleted, the order of the Registrar will be appealable under clause 64. I should say, Sir, that inasmuch as this order of the Registrar will affect the status of a man and especially of an agriculturist in rural parts of the Deccan, it is desirable in the interests of the agriculturist class that the order of the Registrar under clause 8 should be made appealable and that the words which I have proposed by my amendment to be deleted should be as a matter of fact deleted.

Question proposed.

Rao Bahadur A. U. MALJI: Sir, I rise to oppose this amendment. The fears entertained by the honourable member for Poona are groundless. He does not seem to think that this decision shall not be conclusive in any way or in any form at all. Secondly, the Registrar's findings will concern more or less all the promoters as a whole to find out whether a society consists of a majority of agriculturists or not except in very rare cases such as when there is only a difference of one member. It is only in a case like that that point may arise, but the honourable member can very well trust to the integrity of the Registrar in such matters. To make such small questions appealable would be tantamount to delaying registration of societies and no useful purpose will be served. In the interest of the movement any such delay should not be permissible.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to oppose this amendment. In the first place the Registrar's decision is not a judgment *in rem* and I do not know whether it would be admissible to prove the status of anybody in any other judicial proceedings. Then again I find in this section there are minor points put down and the Registrar's decision ought to be allowed to be final; there should be no such thing as an appeal or revision in such trivial matters. I think the amendment is unnecessary and that the section, as it stands, is a proper one.

Mr. L. B. BHOPATKAR (Poona City): Sir, I frankly confess that I am surprised to hear the arguments that have been advanced especially by two honourable members who are both pleaders. The first objection is that it is a very trivial matter. If the honourable member putting forth that argument will only read the clause, he will find that it runs thus:—

"When any question arises whether for the purpose of the formation, or registration or continuance of a society under this Act a person is an agriculturist or a non-agriculturist or whether a person is a resident in a town or village or group of villages" etc. etc.

I object to the clause not from the point of view of residence, etc., but I attack it only from the point of view of the status of the person concerned. The question of the status of a person, even for the formation or continuance of a society, cannot be said to be a trivial matter, inasmuch as it will sometimes seriously affect the interests of a person in a court of law.

Mr. A. MONTGOMERIE: Under what section of the Indian Evidence Act could it possibly be relevant? I have been waiting to hear the

[Mr. A. Montgomerie]

honourable member point out which section of the Evidence Act he is referring to as unless it comes under any section of the Evidence Act it cannot be relevant on status or anything else.

Mr. L. B. BHOPATKAR : I will put the honourable member himself that very question. Will he quote the section of the Evidence Act under which it will not be admissible ?

Mr. A. MONTGOMERIE : Unless it is provided for in the Indian Evidence Act, it is inadmissible. Therefore the onus of showing how it is admissible lies entirely on the honourable member for Poona and he ought to point out the section under the Evidence Act which covers it.

The Honourable the PRESIDENT : I think we have had enough of a learned dissertation on law.

Mr. L. B. BHOPATKAR : The second objection that was raised is that the Registrar's order will not be conclusive in a court of law. I never said it would be conclusive. I have only been saying that it will be given a very great weight as a piece of evidence. In order to set at rest the doubts of the honourable members who think that the Registrar's decision may not be admissible under the Evidence Act, I may refer them to section 74 which deals with public documents. I have not the least doubt that any finding given by the Registrar as to the status of a person will fall within the purview of a public document and will be taken to be admissible as such in a court of law. I therefore submit that my amendment should be accepted by the House.

The Honourable Mr. A. M. K. DEHLAVI : I have nothing to add.

Question put and lost.

Clause 8 ordered to stand part of the bill.

Clause 9 (*Application for registration*):—

- (1) For purposes of registration an application to register shall be made to the Registrar,
 (2) The application shall be signed—
 (a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1); and
 (b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such society and where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.
 (3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

Mr. S. S. DEV (West Khandesh District) : I beg to move

That in clause 9, the word "registered" in line 1 of sub-clause (a) of sub-clause (2) and the word "registered" in line 1 of sub-clause (b) of sub-clause (2) and the word "registered" in line 3 of sub-clause (b) of sub-clause (2), be deleted.

The Honourable Mr. A. M. K. DEHLAVI : I accept the amendment.

Question put and carried.

Clause 9, as amended, ordered to stand part of the bill.

Clause 10 (*Registration*) ordered to stand part of the bill.

Clause 11 (*Evidence of registration*) ordered to stand part of the bill.

Clause 12 (*Annual general meeting*) ordered to stand part of the bill.

Clause 13 (*Special general meetings*):—

A special general meeting may be called at any time by a majority of the committee and shall be called within one month—

- (1) on the requisition in writing of one-fifth of the members of the society, or
- (2) at the instance of the Registrar.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to move an amendment as under:—

In clause 13 (1) insert the words "twenty-five, or" before "one-fifth" and insert the words "whichever may be less" between "Society" and "or".

Under the clause as it stands a special general meeting can only be called on the requisition in writing of one-fifth of the members of a society or at the instance of the Registrar. In cases where a society has got on its roll a considerable number of members, it will be very difficult to get a requisition in writing from one-fifth of the members who are on its roll. I think that in order to obviate such difficulty a numerical proportion ought to be inserted and I have therefore suggested that the number 25 ought to be inserted in the clause.

Question proposed.

Mr. J. A. MADAN: Sir, I rise to oppose this amendment. I think it would be quite unworkable in the case of some of our big societies. There are some urban societies with a membership of over 1,000 and some of which are divided by factions, and if one faction wants to get an advantage over the other, it can compel the management to call a special general meeting, by sending a requisition signed by 25 members. I know of at least one case in the Kanara district where such a thing is likely to happen even now. There is nothing to prevent the smaller societies from making the provision which the present amendment seeks to make, in their by-laws. It will be possible for any society to make such a provision in the by-laws, but in the case of big societies the amendment as proposed will be unworkable. There is also this thing to be considered that even if one member thinks that a special general meeting ought to be called, and he applies to the Registrar and convinces him of the necessity of calling such a meeting, the Registrar can do so; in the case of the smaller societies a provision similar to the amendment proposed can be made in the by-laws.

Mr. G. B. PRADHAN: Will not the by-law then be inconsistent with the Act?

Mr. J. A. MADAN: No.

Mr. G. B. PRADHAN: It says "A special general meeting shall be convened on the requisition in writing of one-fifth of the members of the society". How can that proportion be lessened in the by-laws?

Mr. J. A. MADAN: It says that a special general meeting may be called at any time, and shall be called on the requisition in writing of one-fifth of the members. The by-law can also say that it shall be called on a requisition by 25 members.

Dr. COSMAS FERNANDEZ : Sir, I think limiting it to 25 members will not be satisfactory ; 25 is a very small number. It may be all right perhaps in the case of small village societies, but in cities there are societies with a very large membership, and it sometimes happens that there may be one or two people who are not satisfied, and they get round some of their friends, and it will be very easy for them to collect 25 signatures, and thus cause a great deal of inconvenience to the other members of the society, and it will be a nuisance to the society. I think it ought to be limited to a certain proportion of the members, and if you want to fix a number it should be much higher than 25. I do not think 25 would be a suitable number for large societies, especially urban societies.

Mr. P. G. JOSHI (East Khandesh District) : Sir, in justification of my amendment, I simply want to say that this amendment has been suggested by the managing committee of the Surat branch of the Bombay Central Co-operative Institute. Secondly, I want to bring to the notice of the Honourable Minister the difficulty which my honourable friend the member for Thana (Mr. Pradhan) has pointed out. It will not be possible to make this change in the by-laws, and I think, for these reasons, the amendment should be accepted.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I need not say much on this question. The clause as it stands is quite sufficient to meet the end in view. The committee mentioned there is the managing committee, and the majority in the managing committee can do it. There is also the redeeming feature that at the instance of the Registrar a special general meeting can be called. The Registrar can be moved by any single member of the society to do so, and if he is satisfied he can call a special general meeting.

Question put and lost.

Clause 13 ordered to stand part of the bill.

Clause 14 (*Change of name : its effect*) :—

A society may, with the approval of the Registrar and by a resolution of a general meeting change its name : but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Mr. H. H. NARIELVALA (Broach District) : Sir, the amendment which I wish to move is :

In clause 14, omit the words "A society with the approval of the Registrar and by a resolution of the general meeting", and substitute for them the words "A society may by a resolution of a general meeting and with the approval of the Registrar".

I do not think I need say anything in support of it.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I accept the amendment.

Question put and carried.

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

Clause 15 (*Amalgamation or transfer of societies*) :—

(1) Any two or more societies may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting

of each such society held for the purpose, amalgamate as a single society; provided that each member has had clear fifteen days' written notice of the resolution and the date of the meeting. Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating societies. The resolution of the societies concerned shall on such amalgamation be a sufficient conveyance to vest the property of the amalgamating societies in the amalgamated society.

(2) Any society may by a resolution passed in accordance with the procedure laid down in sub-section (1) transfer its assets and liabilities to any other society which is prepared to accept them.

Mr. S. S. DEV (West Khandesh District): Sir, the amendment to clause 15 which I wish to move is:

In clause 15, sub-clause (1) for "the property" substitute "the assets and liabilities". I think Government might readily accept this amendment.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I accept the amendment.

Question put and carried.

Mr. S. S. DEV (West Khandesh District): Sir, my next amendment to clause 15 is as follows:—

In clause 15, add the following sub-clause as sub-clause (3):—

(3) In the case of liabilities, such amalgamation or transfer be not made without the consent of the creditors.

Clause 15, sub-clauses (1) and (2) deal with the amalgamation of societies, and I fail to see how you can amalgamate the societies and how you can transfer especially the liabilities without the consent of the persons to whom the societies owe those liabilities. I therefore think that you must add an additional third sub-clause to the effect that in the case of liabilities, such amalgamation or transfer be not made without the consent of the creditors.

Question proposed.

Rao Bahadur A. U. MALJI: Sir, I desire to move an amendment, which might perhaps meet the requirements of the honourable member for West Khandesh (Mr. Dev). I wish to add a proviso as follows:—

Provided that if any such amalgamation or transfer of assets and liabilities involves the transfer of liabilities of any society to any other society, it shall not be made without notice to the creditors of both or all such societies.

The point is if after notice no objection is raised nothing further will perhaps be required except registration, but if an objection is raised then certainly a meeting may be called where this question can be discussed and finally disposed of.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, I rise to support the amendment. I think under the law you cannot transfer the liabilities of one person to another without the consent of the creditor. Supposing I am a creditor of one society you cannot amalgamate that society with another, change the debtor from one person to another, without my consent. Therefore, it is absolutely necessary according to law, that this sub-clause should be embodied in the bill. Government cannot give permission for the amalgamation of two societies without the permission of the majority of the creditors.

[Mr. G. B. Pradhan]

By majority, I mean not majority in number, but majority as regards the amount of loan advanced. It will not suffice if you have majority in number, because the society may have taken Rs. 10,000 from one man and Rs. 500 from ten others. If such a consent cannot be given there can be no such amalgamation.

Mr. V. N. JOG (Dharwar District): Sir, I want to add a proviso which I think will satisfy both the parties.

The Honourable the PRESIDENT: But there is already one amendment to the amendment.

Mr. V. N. JOG: That may be deleted. My proviso is:

"Provided such amalgamation or transfer does not affect the rights of the creditors."

The Honourable the PRESIDENT: The difference between the original amendment and Rao Bahadur Malji's amendment is that while in the former case the consent of the creditors is required, in the latter merely notice is provided for.

Mr. V. N. JOG: But what all want is this, that the existing interests of the creditors should not be affected by such amalgamation or transfer.

The Honourable the PRESIDENT: Does Rao Bahadur Malji agree to this suggestion?

Rao Bahadur A. U. MALJI: That proviso will not quite serve the purpose.

The Honourable the PRESIDENT: I take it that it is not acceptable to you. Then the only way to deal with it is to have the original proviso discussed, and if it is rejected, then allow another amendment. But in a matter like this, I hope the Honourable Minister will come to a reasonable compromise and get a unanimous decision of the House.

Mr. L. B. BHOPATKAR: Sir, I propose just a small amendment to the one proposed by the honourable member Mr. Dev:

"In the case of liabilities, such amalgamation or transfer be not made without the consent of the majority of the creditors."

The Honourable the PRESIDENT: I think there is considerable opinion in the House that some proviso should be added. I will, therefore, with your consent, postpone the consideration of this clause till to-morrow to enable the Minister to meet other honourable members and to formulate a proviso which will be generally acceptable to all. We will take clause 15 to-morrow.

Consideration of clause 15 postponed.

Clause 16 (*amendment of the by-laws of a society*):—

(1) No amendment of the by-laws of a society shall be valid until approved by the resolution of a general meeting, and registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may register the amendment.

(3) When the Registrar registers an amendment of the by-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move :

In clause 16, sub-clause (2), line 2, substitute the word "shall" for "may".

In moving this amendment, I beg to say that I had given notice of a similar amendment to clause 10 which related to the registration of a society, but the honourable the Registrar of Co-operative Societies prevailed upon me not to move that amendment as it would come in the way of the formation and registration of societies. But so far as this amendment is concerned, I submit that where the amendment of the by-laws is not contrary to this Act or the rules thereunder, it should be obligatory on the Registrar to sanction those by-laws.

Question proposed.

Mr. L. S. CHAUDHARI (East Khandesh District): Sir, I rise to oppose the amendment on only one ground. Sometimes it so happens that in any society registered under the Co-operative Societies Act, the president, with the help of some members of the society gets some changes made in the by-laws which will suit their purpose. But that body is not likely to continue for ever, and the personnel may be changed from year to year. Therefore the by-laws which are framed according to the whims of the present body should not be imposed permanently and made obligatory on future bodies. Therefore, the final sanction should rest with the registrar. Therefore, I oppose the amendment.

Mr. J. A. MADAN: Sir, I rise to oppose the amendment. I think that if this amendment were passed the clause would be quite inconsistent with clause 10 which has already been approved by the House. I will quote an instance. Supposing a society wants to get itself registered. It puts up certain by-laws which the Registrar disapproves and does not register the society on that account. The society then alters the by-laws in such a way that the same are acceptable to the Registrar and the society is registered. But, at the next general meeting it may change all the by-laws, and if they are not contrary to the Act, no discretion will be left to the Registrar; he will be bound to register them. The discretion given to the Registrar under clause 10 will be entirely nullified. I will quote certain by-laws. Under one of the by-laws power is given to the society to lend say up to Rs. 300. In the original by-laws this limit is fixed and is approved by the Registrar. Now, a fortnight or a month later the society can call a general meeting and have that increased to Rs. 3,000. It is not contrary to the rules to make such an amendment and the Registrar will be forced to register the amendment. Thus, an amendment which was not acceptable to the Registrar at the time of the registration of the society he may be forced to accept later. I therefore oppose the amendment.

Mr. R. G. SOMAN: I do not wish to add anything.

The Honourable Mr. A. M. K. DEHLAVI: I do not wish to say anything except that it is very necessary that the discretion should lie with the registrar.

Question put and lost.

Clause 16 ordered to stand part of the bill.

Clause 17 (*No rights of membership to be exercised till due payments are made*) ordered to stand part of the bill.

Clause 18 (*Votes of members*).

(1) No member of any society shall have more than one vote in its affairs except the chairman who shall have a casting vote in case of equality of votes.

(2) A society which has invested any part of its funds in the shares of another society, may appoint one of its members to vote in the affairs of such other registered society.

Mr. J. A. MADAN: Sir, I beg to move the following amendment:

"In clause 18 (1) put a comma after the word 'affairs', and substitute the following for the words 'except the chairman who shall have a casting vote in case of equality of votes':

'provided that in the case of an equality of votes the chairman shall have a casting vote'."

Question put and carried.

Mr. H. H. NARIELVALA (Broach District): Sir, I beg to move:

In clause 18 (2), line 4 add after the word 'may' the words 'by a resolution of a general body'.

Sir, the society must appoint a member through another society. It is silent whether the society should appoint that member at the general meeting or the managing committee or the chairman should appoint a member. It should be made explicit and therefore I have suggested the words 'by a resolution of the general body'. It may be contended that it is difficult for a general body to meet at every time, but I say, Sir, that it ought to rest with the general body and not with the managing committee because it is the appointment of a member to other societies and that member ought to be one who enjoys the confidence of all members.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I oppose this amendment because it is a matter of by-laws. A particular society may choose to delegate its powers to the managing committee or it might reserve it to the general body. These are matters of detail. But if you incorporate anything in the main body of the Act, then the hands of the society are tied down and the discretion given to it is taken away, so the clause as drafted is perfectly correct and any society may make rules and by-laws to suit its own convenience.

Question put and lost.

Clause 18, as amended, ordered to stand part of the bill.

Clause 19 (*Restrictions of share or interest*) ordered to stand part of the bill.

Clause 20 (*Address of societies*) ordered to stand part of the bill.

Clause 21 (*Copy of act, etc., to be open to inspection*).

Every society shall keep open to inspection at all reasonable times at the registered address of the society—

- (a) a copy of this Act,
- (b) a copy of the rules governing such society,
- (c) a copy of the by-laws of such society, and
- (d) a register of its members.

Mr. S. S. DEV (West Khandesh): Sir, I beg to move the following amendment:

"In clause 21 add the following sub-clause as sub-clause (e) :-

(a) A register of its proceedings and resolutions."

I draw your attention Sir to the clause as it stands.

"Every society shall keep open to inspection at all reasonable times at the registered address of the society—

(a) a copy of this Act.

(b) a copy of the rules governing such societies.

(c) a copy of the by-laws of such society, and

(d) a register of its members."

What is there in these four sub-clauses to attract people? Unless the proceedings and resolutions are open to inspection there is nothing which is so important as to require any provision in this Act. The Act, the rules, the by-laws and the register of members may be available to the public, but unless the public are given an opportunity to know whether the business of a society is conducted wisely or otherwise, how are they to decide whether they should join it or not? That phrase 'open to inspection' does not mean merely that the society shall keep these four things on its table. Unless, I say, the resolutions and proceedings are open to inspection there will be no temptation for others to get into such a society. Therefore the proceedings and the resolutions should be open to the public. They should also be undoubtedly open to inspection to the members of the society.

The Honourable Mr. A. M. K. DEHLAVI: Sir, it is very undesirable that the public should have an insight into the proceedings and resolutions of societies. All that they require is the names of the members of the society, or the documents mentioned in sub-clauses (a) to (d). A society may have at times to hold its meetings in camera, and their proceedings should not be really open to inspection by the public, that would be distinctly objectionable in the best interests of the society.

Mr. M. D. KARKI (Kanara District): Sir, the deposit register of members as well as of non-members is kept confidential. Resolutions are passed in the case of deposits and they form the proceedings. If resolutions and proceedings are kept open to the public then the public will get the names of persons who have made deposits in the society and thereby the purpose of keeping the deposit register confidential will not be served.

Mr. S. S. DEV: Sir, I beg leave to withdraw my amendment.

Question put and leave granted.

Clause 21 ordered to stand part of the bill.

Clause 22 (*Audit*).

(1) The Registrar shall by himself or by some person authorized by him in writing by general or special order in this behalf audit the accounts of every society once at least an every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power, when necessary

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of, or any cash belonging to, the society by the officer, agent, servant or member in possession of such book, document or cash.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move :

"In clause 22 delete the whole sub-clause (4)."

I invite the attention of this house to sub-clause (3), paragraph (2), wherein it is stated :

"The Directors, managers, and other officers of the Society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require."

Here it is obligatory on directors, managers and other officers to supply all the information about the working and the transactions. Even when by this clause it is made obligatory on the office bearers I would not have moved for the deletion of the whole clause if the Registrar had been the only auditor at all times. But the clause as at present worded empowers even the ordinary auditors who are not officers of higher rank to summon before them even persons of greater respectability than themselves to attend before them. This power is given in the hands of these small officers even, and hence I submit that so far as the power to summon the officers of the society is concerned it should not be given to the ordinary auditor. It is objectionable and therefore I have to move the deletion of the whole sub-clause and solely to depend on the obligation that is imposed by the second paragraph of sub-clause (3) of clause 22.

Question proposed.

Mr. V. N. JOG (Dharwar District): Sir, I beg to support the amendment. Many of the societies are managed by very respectable persons and if this power is given to subordinate officers of the department, that will be an engine of oppression in the hands of the subordinate officers, who will sometimes unnecessarily summon respectable persons. I support this amendment on the second ground that if the requisition is not complied with, it is likely respectable people will without sufficient cause be hauled up before a criminal court as, for the first time, penal provisions have been introduced in this bill. If these two clauses are there, respectable persons who wish to take interest in co-operation would not be forthcoming and the whole co-operative movement will suffer for it. Therefore, I support the amendment moved by my honourable friend Mr. Soman.

Mr. M. D. KARKI (Kanara District) : Sir, I oppose the amendment. It is in the interest of the societies that audit is carried on by Government. Unless there is regular audit, the efficiency and the soundness of the societies cannot be assured to the public. So, it is at the time of the audit only that the Registrar or the Auditor is empowered to summon any person who is in possession of the books or money of the society. It sometimes so happens in rural societies that money is misapplied, books are not regularly kept or are misplaced. Is it not in the interests of such society that the Registrar and the auditor should have the power to summon the persons concerned? This clause was thoroughly gone into in the select committee and it was resolved that this power should be given to Registrar and auditor. The words "when necessary" were added by the select committee as a safeguard. Besides under the clause as it stood originally, at the time of the inspection also the power of summoning was given to the Registrar and the auditor. But that has been withheld by the select committee and the result of which is the words "or inspect" have been deleted. Now, at the time of the audit only the Registrar and auditor are empowered to summon. I think this power should vest in them. Of course, it has been stated that there will be hardship on the honorary workers. But when a man wants power he should share the responsibilities and the liabilities also. If a member of a society wants to be a chairman or honorary secretary and to be in possession of books and money, he should be made liable to account for the books and the money. So for that purpose the Registrar and auditor ought to have power. The amendment should, therefore, be thrown out.

Mr. L. S. CHAUDHARI (East Khandesh District) : Sir, I rise to oppose the amendment. I know personally a case where all the members of the society were illiterate and only the chairman knew to read and write. In that society, though the money appeared on paper to be in the society, still it was appropriated by two or three gentlemen and when the money was brought back, it was not credited to the people in whose name it was paid. Under those circumstances, it is highly necessary for the interests of the society that those people should explain the real position of the society to the auditor, and if, at the time of the audit, the man who has misapplied the money does not come before the auditor, it may not be possible for the auditor to audit the accounts carefully. In order to avoid these undesirable transactions which are taking root now-a-days, I think this power should be given to the Registrar.

Mr. P. G. JOSHI (East Khandesh District) : Sir, will you allow me to move my next amendment as an amendment to my honourable friend Mr. Soman's amendment?

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Mr. President, I rise to support the amendment moved by my honourable friend Mr. Soman. Now, the accounts and the vouchers of every municipality are audited by the Government auditors. They do not require power to summon anybody, any officer of the municipality or

[Mr. G. B. Pradhan]

any municipal councillor. Yet the work is going on quite satisfactorily. Now, sub-clause (3) says :

"The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities."

To have access to the cash, to have access to the securities, to have access to every book. Then, the second clause of the same sub-clause says :

"The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require."

So there is another power given. Then, you want what additional power ? "To summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs." If I am a member of a society, I would certainly resent any ordinary person or persons summoning me to appear before him as a witness and asking me to give evidence. There are the officers, managers, and directors ; you have got access to the books, you have got access to the securities. What more do you want ? So my honourable friend Mr. Soman is certainly right in fearing that, if such a power is given to the ordinary auditor or other officer of summoning even a member who may be more respectable than that so-called auditor himself to give evidence before him as a witness, it may lead to abuse. I do not think that such a power is at all necessary, and such power is not given to any auditor or other officer when the accounts of the municipalities are being audited.

The Honourable Mr. A. M. K. DEHLAVI : May I ask the honourable member whether he wishes to delete both (i) and (ii), or whether he suggests the deletion of (i) only ?

Mr. G. B. PRADHAN : I want the first clause (i) to be deleted ; but the second clause (ii) requiring the production of books, documents, etc., may be allowed to stand.

The Honourable the PRESIDENT : The honourable member's objection is to (i) ?

Mr. G. B. PRADHAN : Yes.

The Honourable the PRESIDENT : Then, I think it will serve the purpose better if I allow the honourable member Mr. Joshi to move his amendment for deletion of (i) as an amendment to this amendment.

Mr. P. G. JOSHI (East Khandesh District) : Sir, I beg to move the amendment which stands in my name and which runs thus :

"Delete clause (i) of sub-clause (4) of clause 22 and delete the figure (ii) from the same sub-clause."

I want to delete sub-clause (4) (i) only and not both the parts as has been suggested by my honourable friend Mr. Soman. And my reasons are these : firstly that it is not absolutely necessary for the auditor to have the power at the time of the audit to "summon any officer, agent, servant or member", because those powers are too wide, and secondly

[Mr. P. G. Joshi]

according to clause 60 of the bill, certain actions are made penal. Moreover, Sir, as has been pointed out by my honourable friend from Thana sub-clause (4) (i) is quite unnecessary in view of the second paragraph of sub-clause (3) which reads :

"The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require."

One thing, Sir, which ought to be noted is that these officers of societies are generally honorary and the power should not be given in the hands of these auditors to summon, whenever they think necessary, these honorary officers. For these reasons I move my amendment.

The Honourable the PRESIDENT : The amendment to the amendment proposed is to delete sub-clause (i) only. Therefore, there are two amendments now before the House, and both may be discussed together. One is for the deletion of the whole of sub-clause (4) of clause 22 ; the other is for the deletion of clause (i) only of sub-clause (4) of clause 22.

Mr. R. G. SOMAN (Satara District) : Sir, I accept the amendment moved by my friend Mr. Joshi and do not wish to move mine if the honourable the President allows him to move his amendment as an amendment to my amendment. In that case I will withdraw mine and accept his.

The Honourable the PRESIDENT : Certainly, I have no objection if the House permits it.

Question put and leave granted.

The honourable member Mr. Soman's amendment by leave withdrawn.

The Honourable the PRESIDENT : The only amendment now before the House is the deletion of sub-clause (i) of sub-clause (4).

Mr. C. M. SAPTARSHI (Ahmednagar District) : Sir, I only oppose the deletion of sub-clause (i) because sometimes there are cases when it is impossible to get the records of a society unless this power is used. I know of instances in which secretaries have absconded with the records. It is true that sub-clause (3) makes it obligatory on the directors and managers to produce all the records but there have been cases when secretaries themselves absconded with all the records. In such cases the authorities have got to be provided with powers of summoning. My honourable friend from Dharwar took an objection that sometimes respectable persons will be called before persons who have been authorised by the Registrar. Such an objection can be evaded by authorising men or officers in the position of either the Registrar or the Assistant Registrars only and not persons below that rank to summon a person. This power is absolutely necessary and therefore I am going to move an amendment that persons who should be authorised to summon should not be officers.....

The Honourable the PRESIDENT : I cannot allow all these amendments to amendments repeatedly. Honourable members should think out their views and give notice of their amendments in time.

Mr. C. M. SAPTARSHI: I was only suggesting, Sir, but what I mean to say is that if there is to be an audit.....

The Honourable the PRESIDENT: There is one thing to which I should like to draw the attention of the House and that is, that the work of honourable members will be greatly facilitated if they will think out in ample time what amendments they wish to bring forward and not to thrust them upon the Council office at the last moment.

Mr. C. M. SAPTARSHI: I say, Sir, that if it is possible to amend the section in such a way as to authorise only the Registrar or the Assistant Registrars and not officers below those ranks to use this power, then I think the honourable member Mr. Jog's objection will be met.

Rao Bahadur A. U. MALJI: Sir, I rise to oppose this amendment on the ground that the auditing of co-operative societies requires to be a thorough auditing. If the audit is to be of any real value, the auditor should be empowered to summon the secretaries of societies. Again, secretaries and treasurers do not carry large sums with them as they keep small amounts for current expenses and they should be certainly within easy reach of the auditors for the purpose in view. Respectable people in places such as Dharwar need not be afraid of being summoned by persons in inferior positions as their cases will be placed in the hands of special officers or special auditors who will be more highly paid officers than the ordinary type of officers, and if for the purposes of audit a society's records are not made available to the auditors, the business of the societies is likely to go from bad to worse.

Mr. L. B. BHOPATKAR (Poona City): Sir, I think the two previous speakers have been labouring under a misapprehension. In paragraph 2 of sub-clause (3) we have the words "directors, managers and other officers of the society"; and if we look to clause 3 of the bill, therein an officer has been defined to include a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws. So, the expression "officer" includes also the secretary, who may, as my honourable friend Mr. Saptarshi apprehends, go away with the whole of the records. If the second paragraph of sub-clause (3) is there, I think it provides a sufficient safeguard for the purposes of audit. The secretary, treasurer or member of committee or other person empowered under the rules or under the by-laws of the society could give such information as to its transactions and working of the society as may be required by the auditor. When the said provision is made, I do not think that there is any the least necessity for the retention of part (i) of sub-clause 4.

Dr. COSMAS FERNANDEZ: Sir, clause (ii) of sub-clause (4) also provides for the production of any book or document relating to the affairs of, or any cash belonging to, the society. Therefore it is not necessary to retain clause (i) of sub-clause (4). The power to summon for audit purposes officers who are directly connected with or concerned in keeping the books and cash is also provided in sub-clause 3. It is also provided in clause (ii) of sub-clause (4). It is provided in two places

[Dr. Cosmas Fernandez]

and therefore I think there will be no objection to omit clause (i) of sub-clause (4).

Mr. R. G. PRADHAN (Nasik District): Sir, I oppose this amendment. The question is, do we want an efficient audit or not? If there is going to be any audit, that audit must be efficient and you cannot have efficient audit unless this power is given as provided for in this clause. In this connection may I draw the attention of this House to the expression "if necessary", of which the House seems to have lost notice. We have carefully considered in the select committee these same objections which have been advanced by some of the honourable members of the House, and after carefully considering all these objections we agreed unanimously to put in this expression. That is I submit a sufficient safeguard. The person who will be empowered to summon these people is not always bound to do so; he will only exercise this power when it is found on a consideration of the circumstances of the case that it is necessary to exercise it; otherwise this power will not be exercised at all. Now, it is just possible that an individual here or an individual there may abuse the power conferred upon him by this clause. In that case, I should certainly think that any abuse on his part will be severely punished by the Registrar, and I certainly look to the Registrar to take severe notice of any such cases of abuse of this power. The argument simply comes to this, that because some individuals may abuse such power, therefore it should not be given at all. Even the powers of the Criminal Procedure Code are abused, but nobody contends that those powers should not be given. I submit, Sir, that the expression "when necessary" is a sufficient safeguard against the abuse of powers and if auditing is going to be efficient—and we all desire in the interest of the movement that auditing ought to be efficient—then this power is absolutely necessary.

Mr. D. B. ADWANI (Karachi City): Sir, in the ordinary course of events, it seems to me that it would not be objectionable if an auditor were to request any of the persons mentioned in the clause to meet him in order to get the necessary information for the purposes of auditing. But when penal clauses are introduced in case of non-compliance with the summons, it would appear like investing the auditor with the status of a judicial officer. This is unnecessary and the provision goes far beyond the purposes of the Act. The amendment as proposed appears to be reasonable, and should in my opinion be accepted.

Mr. P. G. JOSHI (East Khandesh District): Sir, nobody objects to the auditing being efficient, but the question here is whether the powers given in sub-clause (4) (i) are really necessary. In view of the fact that there are sufficient powers under sub-clause (3) and sub-clause (4) (ii), I think these powers are not at all necessary, and that my amendment should be carried.

The Honourable Mr. A. M. K. DEHLAVI: Sir, this is a question of some importance and I might take a few minutes to reply. The success of the credit societies, which are the backbone of the whole movement

[Mr. A. M. K. Dehlavi]

of co-operation, depends on their popularity; and the popularity depends on the honesty and the good accounts of the societies. Therefore, auditing is absolutely necessary; that every one acknowledges. Now, if auditing is absolutely necessary, it should be efficient auditing; and the auditor is responsible for his auditing; he is responsible for the loss and damage. Under the ordinary law, the company auditors and all auditors wherever they are, are responsible for good auditing, and if they are held responsible for good auditing, they must be supported by every rule or law, and they should be given every facility to do the responsible work of auditing. Now, Sir, it was stated by my honourable friend the member for Thana (Mr. G. B. Pradhan) that it is possible that the auditor, who is comparatively a smaller officer than the Registrar, or the Assistant Registrar, may summon a member of a society and that member may happen to be a big man. Cases like that would be very rare indeed, and we need not be persuaded to accept the amendment by an argument like that. It is, first of all, not possible for the Registrar or the Assistant Registrars to do the auditing to the extent that the auditors are able and expected to do, and that creates the necessity for employing a number of auditors. Now, they have got their divisions and circles where they have to go and audit, and those auditors should certainly have every possible material before them.

Rao Saheb D. P. DESAI: Have they got any powers under the present Act?

The Honourable Mr. A. M. K. DEHLAVI: Because the auditors had not the facilities that are afforded in this bill, there have been several cases which have necessitated our making provision to afford them these facilities, to meet those difficulties which have appeared in the progress of this great movement.

These auditors have to summon in many cases men in villages, men who are not of very great status and standing. Those people will not put in an appearance on being asked to come if these provisions did not exist, particularly the defaulters; and those are the people we want to get at. Therefore, the power that is to be invested in the auditors is absolutely necessary on the analogy of the powers given to the auditors of companies. Our auditors should not in any way be less important officers. I am, therefore, right in saying that the auditing should be efficient and should be well regulated under this bill. There is just one point which I might bring to the notice of the House, that the Provincial Conference held in 1916 has also passed a resolution to that effect. With your permission, Sir, I will read it. It is:

"That rules should be introduced empowering auditors to require the attendance of particular members of any society at the time of auditing, and empowering liquidators to require the presence of defaulters at the time of their proceedings."

This was considered by the framers of the bill, and also by the select committee, and, as my honourable friend has pointed out, the words "when necessary" were added.

Mr. P. G. JOSHI: Have we not progressed any further since that date?

The Honourable Mr. A. M. K. DEHLAVI: The same view was endorsed by the Provincial Bank, which has among its members men of very high position. They also have endorsed the same view. I therefore submit that the amendment should be rejected.

Question put. House divided. Ayes, 52; Noes, 55. Amendment lost.

Division No. 7.

Ayes.

ABDULFURKAB, Mr. N. A.
ADWANI, Mr. D. B.
BAFFISTA, Mr. J.
BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KOTHARI, Mr. V. R.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSSEINBHAY A.
MAYALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MOKADAM, Mr. W. S.

NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATHAN, Mr. A. F. I. K.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOOSSEINALLY M.
SAHEBA, Mr. H. D.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. G.
VELKAR, Dr. M. B.

Tellers for the Ayes: Mr. G. B. PRADHAN and Mr. P. G. JOSHI.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BOLK, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJLI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
FRANJLI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SRAIKH
GRANTHAM, Mr. V. A.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPEL, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOL, Khan Saheb KARIMBAKSH
JIRANGH, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.
KARRI, Mr. M. D.
KAY, Mr. J. A.
KHURRO, Mr. M. S.

LALURHAT SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MADAN, Mr. J. A.
MALJI, Rao Bahadur A. U.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, Sardar G. N.
MURKHI JETHANAND PRITAMDAS
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PATHAN, Khan Bahadur JAN MAHOMED
KRAM
PATIL, Mr. D. R.
PETCH, Mr. F. W.
PRADHAN, Mr. R. G.
SARDESAL, Mr. S. A.
SAYED GHULAM NABI SHAH
SHINDE, Mr. R. D.
SURVE, Mr. A. N.
THAKOR of Kejwada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. N. N.
WILES, Mr. G.
WOODS, Mr. E. E.

Tellers for the Noes: Mr. V. A. GRANTHAM and Mr. N. N. WADIA.

Mr. J. A. MADAN: Sir, I beg to move:

In clause 22 (4) (ii), after the word "cash" add the words "or securities" in two places

Question proposed.

The Honourable Mr. B. V. JADHAV : Sir, I support the amendment. Question put and carried.

Clause 22, as amended, ordered to stand part of the bill.

Clause 23 (*Societies to be bodies corporate*) ordered to stand part of the bill.

Clause 24 (*Prior claim of society*).

Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

(a) any debt or outstanding demand owing to a society by any member or past member shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member, and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given him by the society; and

(b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immoveable property of the society.

Mr. V. N. JOG (Dharwar District) : Sir, I beg to move :

In clause 24, paragraph (a), before the words "any debt" in line 1 insert the words "A society shall be entitled in priority to other creditors at any time within 2 years from the date of the loan, to enforce" and delete the words "shall be a first charge" in the 2nd line of the same paragraph and substitute "the" for "a" in the 1st line.

After the amendment is made, the clause will read thus :

Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent.

(a) a society shall be entitled in priority to other creditors at any time within 2 years from the date of the loan, to enforce any debt or outstanding demand owing to the society by any member or past member (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society....".

Sir, in moving this amendment, my idea is that the societies should be rather alert in making a demand of their claims, and also that they should only be given priority to other creditors. With regard to this amendment, I have to bring to the notice of this House section 19 of the original Act, Government of India's Act II of 1912. Section 19 only says that the societies shall have a prior claim. The section reads thus :

"Subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent, a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society....".

and then it also lays down further that this can be done only

"at any time within eighteen months from the date of such supply or loan."

I have changed "eighteen months" to twenty-four months, that is two years.

The principle is this that as a co-operator I wish that the society should be placed at an advantage over other creditors, but at the same time we have to take into consideration the rights of the other creditors and outsiders also who deal with the members of the society. We must be just before we are generous. Besides, in this connection the words now used are not quite sufficient and effective. I can understand a charge or lien on the moveable property in the possession of one in whose favour the

[Mr. V. N. Jog]

charge or lien on the moveable property in the possession of one in whose favour the charge or lien is created. For instance we have got the word 'charge' in the case of shares in section 26 which are in the possession of a society but in the case of moveable property over which the charge is meant to be fixed in this clause it is not in the possession of the society. It is liable to be transferred from hand to hand. For instance suppose a society has advanced a sum for the purchase of bullocks and the debtors who have got these bullocks may not sell them in the very place but take them to a different market and in that market any person who may not know that this amount is borrowed from a particular society may purchase those bullocks. The property over which the lien is kept may thus pass from hand to hand. *Bona fide* rights of 3rd persons may come into existence. There may be a clash of honest interests if the society be given a right to follow the property wherever it is. If such a right is given then there will be endless litigation and also frauds. In order to avoid that I wish that the original section be retained. The society should in good time press its claim of priority, should not allow its debtors to be long defaulters and thus avoid the complication of the 3rd party's rights cropping up. I do not wish that the society instead of attending to its own legitimate business should be drawn into such litigation. It is bound to come if this provision is there. Therefore what I wish is if they want to enforce the demand, they must come in right time. In the former section the period was eighteen months and that was reasonable time, but in the present section they could claim this charge without any time limit. This would tend to make the societies idle and careless. That is one thing; secondly a *bona fide* purchaser for value will not be protected. The co-operative movement will come in conflict with outside world, and I am afraid will come into disrepute. The movement will create enemies who would hamper its progress. On these grounds, I beg to move the amendment of this clause.

Rao Bahadur A. U. MALJI: Sir, I oppose the amendment of my honourable friend from Dharwar. He objects in the first place to the use of the word "charge" but this question has been examined by all local governments and the committee on co-operation and both these authorities agree that the society may have a prior claim. I will read the recommendations of the committee on co-operation on this point, as summarized by Calvert:

The Committee favoured an amendment to this section (19) making the lien a charge on the property in respect of which the loan was granted.

So that the lien is converted into a charge.

The second ground on which I oppose this amendment is the period of two years. My honourable friend from Dharwar says that two years period is the extended period of one year and six months but he forgets that this extended period extends to sub-clauses (i) and (ii) of sub-clause (a); that means as against machinery or godown or workshop the charge will be cut down for the period of two years, and against immovable property also the charge would be entirely lost if we accept this amendment. There is no doubt that *bona fide* purchasers for value without notice will have to be protected. But there is already an amendment

[Rao Bahadur A. U. Malji]

by the honourable member Mr. Kambli in this respect. Therefore there should be no apprehension of any litigation oft and on. It is only in rare cases such questions will arise, but unless you provide it in the Act you do not have any charge on the crops, etc. There are two things, the first is that there is the charge and secondly if the member removes the goods dishonestly, there is an offence committed and the goods can be successfully followed.

Mr. V. N. JOG (Dharwar District): Sir, with regard to the objection that there would be a charge on the crops, I beg to point out to this House that the charge which is meant to be preserved is with regard to a certain thing which is not in existence. It may be pointed out that first the loan is to be taken when the crop is not there, and the seed is to be sown and then we are going to have the charge. That shows that there is nothing to have a lien upon. It would be very difficult if the case goes to a court to prove from what amount this crop was raised. There may be evidence to show that a certain amount was borrowed by a member of the society from the society. A member of the society is not prevented from borrowing elsewhere. How can it then be proved that the amount borrowed from the society or part of it was used in raising a particular crop or grain. I beg to point out, Sir, that even by putting the word "charge" in the clause we do not mend matters. So in order to prevent the too frequent contingency of a society coming to court, I am bringing this amendment with a view that if they want to have that claim they must come in good time and ask the court to enforce their claim. Matters would not be improved even if the honourable member Mr. Kambli's amendment is allowed. That will only give the outside creditor a chance of proving his case in a court and if he succeeds, he would be protected. What I wish is that there should not be an opportunity created for these persons to go and fight in courts. Therefore I submit, Sir, that my amendment should be allowed.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I have very little to add after the lucid explanation of the whole case by my honourable friend the honourable member Rao Bahadur Malji who has made a very minute study of the whole movement and is an active member of it. But just one thing, I should like to point out namely the difference created by this amendment between the words *priority* and *charge*. Priority necessarily means that a society has to obtain a decree and thereafter the question of priority comes in. Charge is therefore a step forward in affording facility to a society and avoiding the lengthy procedure of going to court. Government has a prior charge, and as is seen in the first part of the clause, the landlord next and the societies are placed in the same position as they. As was pointed out the Committee on co-operation went into this question very carefully and has referred to the old section. Here is a small paragraph which I should like to bring to the notice of the House. The Committee say:

"We gather that the provisions of section 19 of the Act" (which was quoted by my honourable friend) "which gives a society a prior claim on crops grown by the aid of loans from it are largely inoperative, partly owing to difficulties in proving that a particular

[Mr. A. M. K. Dehlavi]

crop has been grown by means of a particular loan and partly owing to a ruling of the Calcutta High Court which allows an outside decree-holder to attach a crop in priority to a society unless the society also obtains a decree in its favour. We are unable to support a suggestion which has been made that the lien on crops should operate in cases of all loans by societies without reference to their particular purposes. A further proposal, however, to the effect that the lien as granted by the Act should operate against outside attachment or sale even in the absence of a decree in favour of the society has more to commend it, and we think that when the Act is next amended, the prior claim of the society might be definitely described as a 'charge' on the property in respect of which the loan was granted."

So the Committee has considered the difficulties that arise in the way of the societies under section 19 of the old Act, and have suggested definitely that a *charge* is an improvement and absolutely necessary for the best interests of the societies. I therefore submit, Sir, that the amendment be rejected.

Question put and lost.

Mr. H. H. NARIELVALA (Broach District): Sir, I beg to move the amendment that stands in my name which reads thus:

In clause 24 (a) (i), line 3, before the word "loan" substitute the word "any" instead of "a."

You will see, Sir, here what is mentioned is indefinite; by retaining the wording as it is the clause becomes inoperative. If the word "any" is inserted instead of the word "a", it really becomes operative. Suppose a loan is given to agriculturists, such loans are given repayable in instalments year by year, they are given for a year or so. So when the loan becomes due, the agriculturist may not be able to repay in time. If the word "a" is retained, the loan does not come within that time. Therefore, I propose this amendment.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI: In spite of the explanation offered by my honourable friend, I do not think, Sir, that the amendment is necessary.

Question put and lost.

Mr. S. T. KAMBLI (Dharwar District): Sir, I beg to move the following amendment, by way of proviso. My amendment will read thus:

Add the following proviso at the end of sub-clause (a) of clause 24:

"Provided that a *bona fide* purchaser or transferee for value without notice of the charge herein referred to shall not in any way be affected."

I do not think that any serious or lengthy argument is needed to support my amendment. It is a recognised principle of law, Sir, that whoever is in possession of moveable property can give a valid title to the purchaser of it without notice unless the vendor has got the possession of the property by means of an offence such as theft. In this particular case with regard to the property mentioned in sub-clause (a) of clause 24, it cannot be pretended that the debtor is in possession of property by means of any fraud or theft. He is the owner of the property and he is in possession of the property, and if he were to go in the open market and were to vend his produce, or crops or cattle, and if an innocent purchaser were to purchase the property, then it would certainly be a dangerous thing if the creditor society were enabled to say: "Well, we have got a prior charge on this property, the owner of the property owes us money, and you

[Mr. S. T. Kambli]

are liable to pay our dues." It would indeed be a serious obstacle for the passing of moveable property from hand to hand. On the one hand, the credit of the agriculturist or of the society is involved or endangered; on the other hand, it will be a serious menace to the selling and purchasing of property in the open market. In the first place, if you examine the clause properly, you will find that various kinds of movables are subject to a prior charge under section 24, and it will be seen that the properties may not be even properties which were in existence at the time the loan was made by the society. And again it will be noticed that if a person takes some money by way of loan and were to spend even a small portion of the money in raising or producing crops, still the society will be in a position to say that they have a prior claim or charge on the whole of the crops if the property is sold. The clause reads:

"any debt or outstanding demand owing to a society by any member or past member shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member, and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given by the society."

The words "in whole or in part" are very significant words in this clause. Even if a member of a society were to take a very large amount of money by way of loan and were to spend a very small amount of it in raising a vast quantity of crops in his land, still if he were to take his property to the open market and sell it, the society can come down on the purchaser and say: "As the vendor of this property has taken a loan from us and has spent some amount out of it—even though it may be small—as the clause says in whole or in part from any loan, therefore, you as the purchaser of that property are liable to pay our money because there is a prior charge of us upon the property". This will inflict a very serious hardship indeed upon the purchaser. For, let us take a case of a man who grows cotton upon his area. Let us suppose he has 20 acres of land where he grows cotton, and let us further suppose he has taken a loan of Rs. 1,000 promising to invest the whole of the Rs. 1,000 in raising his crop. According to this clause, even if he were to spend only a small portion of the loan, say Rs. 2, in producing his crops the whole crops raised by him will be subject to a charge by the society because he has spent in part out of the amount taken as a loan from the society, and if such a person were to go with the whole quantity of cotton to the open bazaar and were to sell it to an innocent purchaser, the innocent purchaser will be liable to pay the whole money—the entire amount of the loan due to the society from this individual. It will work indeed a very serious hardship and, I think, notwithstanding the benefits or advantages which may arise to the society, we are also bound to regard the interests of the innocent purchasers in the open market. The innocent purchasers, if we are to impose such restrictions and hardships in their way, would suffer immensely while instead of benefiting the societies or the agriculturists, we shall be obliging them to suffer all sorts of inconveniences and disabilities in the long run. If the crops raised by an agriculturist

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were subject to be charged in this manner, certainly his crops will not fetch the same price which they would fetch if they were not subject to such a serious charge sought to be created by clause 24. So the credit of agriculturists deteriorates instead of improving. In the case of immovable property one can imagine that a man will have greater opportunities of seeing whether the property is subject to a charge of this kind or not. If it is subject to a charge, there will be sub-registrar's office and the intending purchaser will be inclined to go there and find out whether the property is subject to a charge or not. In the case of a field, there is the record of rights maintained by the Government and the purchaser will be met by the question whether he has examined the record of rights before purchasing and whether he has ascertained that the property is not subject to any such charge. In the case of movable property there is no such registry maintained either by Government or by any private persons and I do not think that a society, which lends money to any individual, would care to exhibit all its records in the public market and that such a society will make the fact known to the public that a particular individual has taken a loan of so much money from that society and that his crops are subject to a charge. I do not think any society will take all this trouble of showing all its loan accounts in the open market and I do not think that even if it desired to do so, it would be possible to put it into practice, because an agriculturist is not restricted to take his property or produce to a particular market as he is almost free to take it to any market where he can find the best value for the goods he has to sell. So, looking at the matter from this point of view, and also looking at it purely from the law point of view, namely that an innocent purchaser for value will be put to loss, I beg to submit that this amendment requires serious consideration and I appeal to the honourable House to accept it.

The Honourable the PRESIDENT: Before adjourning the House I should like to know whether honourable members have considered the representation which I brought to their notice last evening about changing the hour of meeting, and I should like to hear what the considered opinion of the principal sections of the House is.

The Honourable Sir MAURICE HAYWARD: Mr. President, I have consulted a good many of the honourable members and I have come to the conclusion that this is really a constitutional question of considerable importance and really requires further reflection. Several members have been rather in favour of 12 to 5 because they say that 1 to 6 is no improvement on 2 to 7 as it only cuts an hour's work in the morning and does not give them any time for their constitutional exercise in the evening. In that sense I think it is a constitutional question. So I should suggest giving us a little more time to consider the question among ourselves and I would suggest that it would be better not to accept 1 to 6 for the present against our present 2 to 7.

Mr. M. R. JAYAKAR (Bombay University): Sir, I want a little more time to consult the members of the Swaraj party and if you will

[Mr. M. R. Jayakar]

put it off till tomorrow, I shall be in a better position to state the wishes of my party to-morrow than to-day.

Mr. NOOR MAHOMED (Hyderabad District): Sir, no doubt I signed that application yesterday but I did it under a misapprehension. We, Mahomedan members, would like that on Fridays the Council should meet at 2 and on other days as the house unanimously decides.

The Honourable the PRESIDENT: I am glad to say in the first place that I have not the least idea of forcing a decision. I have repeatedly informed honourable members that the power of fixing the hours of the meeting vests in me and that I could call the meeting at any hour I like. I have also intimated that I will be glad to respond to the views of honourable members if there is any consensus of opinion in favour of a particular change. Honourable members have for the last twelve months been thinking over the question and find that a consensus of opinion is difficult to obtain in favour of any other hour. It was after considerable consideration and ascertaining the convenience of a large number of members at the time that it was decided to fix the hours for the meeting from 2 to 7. If there is any consensus of opinion in favour of any change, I will be very glad, as I have repeatedly said, to give my best consideration to it. Until that is disclosed I of course do not propose to act in any way. In view of what the Honourable the Leader of the House and the Leader of the Swaraj party have said, I do not propose to take any decision at present but will leave honourable members to think on the problem from the various aspects of the question as it appeals to individual convenience and to let me know not to-morrow but at any time when they are ready to say what they really desire.....

Mr. G. A. THOMAS: May I know what the Chair means by "consensus of opinion"? Does it mean "a majority"?

The Honourable the PRESIDENT: No. Even if it was a majority, I would not wish to change the settled hour at the suggestion of a majority because that would be a form of dictation on a substantial minority. I do not wish to be a party to that feeling having regard to the fact that this hour was deliberately fixed by practical unanimity in the House. As I said, I will be very glad to respond to any consensus of opinion. If I find that a small minority wishes to obstruct the convenience of a large majority I may overrule it but in any other case I do not think I will act in disturbing the hours which, on the whole, have been found convenient to most of the honourable members.

The House will now adjourn till 2 o'clock tomorrow, Friday, the 24th July 1925.

Friday, the 24th July 1925.

The Council re-assembled at the Council Hall, Poona, on Friday, the 24th July 1925, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.O.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFTUDDIN
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N. .
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI ABDULLA HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.

KALBHOR, Mr. G. M.
 KAMBLI, Mr. S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN,
 KHURO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSEINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MADAN, Mr. J. A.
 MALJI, Rao Bahadur A. U.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 METHA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED MUHAMMAD KAMIL SHAH
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.

SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR OF AMOD, the
 THAKOR OF KERWADA the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT : Questions.

BUNDER AT ROHRI.

Mr. D. B. ADWANI (Karachi City) : (a) Will Government be pleased to state whether their attention has been drawn to the danger that exists between Rohri and Sukkur (Sind) where some of the boats laden with cargo from the Punjab and other places up stream, get wrecked ?

(b) Do Government propose to construct a Bunder on the Rohri side of the river ?

(c) If so, when ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes. It was brought to the notice of Government in October 1923 that certain mounds of stones left in the Indus river bed at the head of the Nara Supply Channel on the Rohri side, being the remains of the temporary bund which was constructed in 1923 to prevent the silting of the mouth of the channel, were a danger to navigation and that boats had been damaged by collision with them. They have since been removed so far as it was possible to do so.

(b) and (c) The matter is under consideration.

REVENUE AND EXPENDITURE IN SIND.

Rao Sahab D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether the amount of 45 lakhs of rupees of interest charges mentioned in the reply to my question No. 8 printed in third list of the first session of 1923 is correct ?

(b) If the reply be in the affirmative, will Government be pleased to state what was the total amount spent on irrigation works in Sind up to the end of 1920 ?

(c) If the reply be in the negative, will Government be pleased to state the correct amount during each of the years 1910-11 to 1919-20 mentioned in the reply to the above question ?

The Honourable Mr. H. S. LAWRENCE : (a) Yes : the provincial share—one-half—of the total interest charges—was Rs. 45·3 lakhs.

(b) The total capital outlay—direct and indirect—on irrigation works not charged to revenue amounted to Rs. 283·6 lakhs to the end of 1919-20. The indirect charges, which are only debited *pro forma* to works, amounted to Rs. 9 lakhs.

Rao Saheb D. P. DESAI : At present the provincial share is more, because the provincial Government bears all the charges ?

The Honourable Mr. H. S. LAWRENCE : Yes.

Rao Saheb D. P. DESAI : You are working the province at a huge loss ? Irrigation cannot pay its own way ?

The Honourable Mr. H. S. LAWRENCE : I do not follow that.

Rao Saheb D. P. DESAI : Government are working the province of Sind at a huge deficit.

The Honourable the PRESIDENT : The honourable member should ask a question.

Rao Saheb D. P. DESAI : Are Government working the province of Sind at a heavy loss ?

The Honourable Mr. H. S. LAWRENCE : That is a very large question, Mr. President. I do not think we can admit that at once. If the honourable member will give us the facts and figures by which he proves his statement, I should like to consider them.

Rao Saheb D. P. DESAI : May I draw the attention of Government to the statement which was placed on the Council table in 1923 ? Is it not clear from that statement that the province is worked at a huge loss ?

The Honourable the PRESIDENT : The honourable member can ask for notice.

The Honourable Mr. H. S. LAWRENCE : I should like the honourable member to develop the argument, for it is of great importance to this House.

Rao Saheb D. P. DESAI : The argument is that the province of Sind is being worked by Government at a huge loss annually.

The Honourable the PRESIDENT : In regard to irrigation ?

Rao Saheb D. P. DESAI : Not in regard to irrigation only, but in regard to the administration generally ; and irrigation cannot make up the deficit.

The Honourable Mr. H. S. LAWRENCE : Mr. President, these figures which were placed on the table of this House in 1923 show that over a period of 10 years the provincial expenditure in Sind was 13½ crores, and the provincial revenue in Sind was 12·8 crores.

Rao Saheb D. P. DESAI : To that the present figure is to be added.

The Honourable Mr. H. S. LAWRENCE : So that, the balance is 50 lakhs over a period of 10 years. But that balance of 50 lakhs includes very large expenditure on capital works ; so that what the honourable member asks this House to accept is that when we are spending money on capital improvements in Sind and paying for that out of revenue that means that the province of Sind is being worked at a loss to the presidency of Bombay. I do not think that argument is correct. I do not think any member from Sind is likely to agree to it for a moment.

An Honourable MEMBER: Quite so.

Rao Saheb D. P. DESAI: I think interest on capital.....

The Honourable the PRESIDENT: The honourable member must ask a supplementary question. Otherwise, he should ask his next question.

Rao Saheb D. P. DESAI: Is capital expenditure included in that?

The Honourable Mr. H. S. LAWRENCE: Yes.

Rao Saheb D. P. DESAI: It is the interest on capital expenditure that is included.

STATEMENT OF REVENUE AND EXPENDITURE IN SIND.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on the table the statement of revenue and expenditure in Sind (referred to in my question No. 8 put during the first session of 1923) with interest charges on capital spent on the irrigation works in Sind, added therein?

The Honourable Mr. H. S. LAWRENCE: A revised statement* showing provincial expenditure in Sind for the ten years ending 1919-20 is laid on the table.

ABOLITION OF TOLL BARS IN THE KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) how many tolls and check nakas were there in the district of Kaira on January 1st, 1923 and how many of them were abolished in the succeeding two years?

(b) is it true that only those tolls that did not pay fair returns were abolished and those that paid fair revenues were retained in that district?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) There were 13 toll bars and 4 check nakas on 1st January 1923 out of which 4 toll bars and 2 check nakas were abolished in the succeeding two years.

(b) Yes; the four tolls abolished fetched a revenue of Rs. 110, 401, 410 and 700, all others fetching over Rs. 1,000.

Rao Saheb D. P. DESAI: Is the same policy followed in all the districts?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No.

Rao Saheb D. P. DESAI: How is it that in the Kaira district only these tolls which did not pay much were abolished?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: We have been abolishing some tolls in one district and some in other districts. It has happened that these four tolls which have been paying some money to us have been abolished.

* Vide Appendix No. 47.

Rao Saheb D. P. DESAI: Is this the way of carrying out the decision of this House?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The decision of the House is being carried out. We are abolishing them gradually.

Rao Saheb D. P. DESAI: When is that 'gradually' to come to an end?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: When the honourable House provides the funds.

NON-AGRICULTURAL ASSESSMENT IN THE KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether it is a fact that the non-agricultural assessment in many towns of the Kaira district has been raised more than 200 per cent.;

(b) the names of the towns in which such increases have been made in that district?

The Honourable Mr. LALUBHAI SAMALDAS: (a) and (b). The non-agricultural assessment has been raised more than 200 per cent. in only three towns of the Kaira district, namely, Anand, Kapadwanj and Umreth.

Mr. P. G. JOSHI: May I know the reasons why the assessment has been raised more than 200 per cent.?

The Honourable Mr. LALUBHAI SAMALDAS: Because the prosperity of the towns had increased to such an extent that it was found justifiable to increase the non-agricultural assessment to that extent.

Rao Saheb D. P. DESAI: How do Government measure the extent of prosperity? Were there no famines?

(No answer).

Mr. P. G. JOSHI: Are there any rules laying down a maximum limit to the increase?

The Honourable Mr. LALUBHAI SAMALDAS: If the honourable member wants to know the rules in detail I am prepared to show them to him.

SUPPLY OF REVISION SETTLEMENT REPORTS TO M.L.Cs.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state the reasons for not supplying the revision settlement reports to the members of the Council? Were they ever supplied during the last four years?

The Honourable Mr. LALUBHAI SAMALDAS: Copies of selections relating to revision settlements of talukas are placed in the Reading Room of the Legislative Council, but are not supplied to honourable members, because they are not, like departmental administration reports, of general interest but merely contain orders relating to the settlement of a particular taluka or talukas in a district.

Copies of these selections were not supplied to honourable members during the last four years.

Rao Saheb D. P. DESAI: Were they ever supplied to the Honourable the Revenue Member when he was a non-official member of this House?

The Honourable Mr. LALUBHAI SAMALDAS: I think they were.

Rao Saheb D. P. DESAI: Does not the honourable member consider it worth while to supply it to the present members?

The Honourable Mr. LALUBHAI SAMALDAS: I do not say that it is not worth while doing, but I may say that in those days there were members in the Council like the Honourable Mr. Gokuldas Parekh and Rao Bahadur Joshi who were taking keen interest in this subject and they pressed Government to supply these reports to them.

Rao Saheb D. P. DESAI: Does the honourable member imply by that statement that the members of the present Council should carry on enquiries in the mofussil about over-taxation, expose the Revenue Department, and expose the weakness or the highhandedness of the Collectors?

The Honourable Mr. LALUBHAI SAMALDAS: No.

Rao Saheb D. P. DESAI: Then, in what manner is this Council lagging behind?

The Honourable Mr. LALUBHAI SAMALDAS: If it is the wish of the House that these copies should be supplied and if we can find the necessary funds, then I will see if they can be supplied.

Mr. G. B. PRADHAN: Will they supply it to the members coming from the particular districts?

The Honourable Mr. LALUBHAI SAMALDAS: That is a more reasonable request and I am prepared to meet the honourable member's wishes.

The THIAKOR of KERWADA: Is not land revenue of general interest to the masses?

The Honourable Mr. LALUBHAI SAMALDAS: The report is of interest only to the people of the taluka concerned and not to the general interest of the masses.

Mr. M. R. JAYAKAR: Will the Honourable Member consider the advisability of supplying these reports to all the members of this House?

The Honourable Mr. LALUBHAI SAMALDAS: If it is the general wish of this House, I will see how far it can be carried out.

NARAYANGAON-JUNNAR ROAD.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether they are aware that the proposed diversion of the Narayangaon-Junnar Road in the Poona district has caused great dissatisfaction amongst the owners of lands that are to be taken for the diversion as the lands are very rich?

(b) Are Government aware that an alternative diversion was suggested by Dewan Bahadur K. R. Godbole, along the north side of the town which was comparatively less costly ?

(c) Have any memorials in the matter been received by the Collector of Poona ?

(d) If so, will Government be pleased to state what steps they intend to take in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
The information has been called for.

LIBERALISING THE CONSTITUTION OF MUNICIPALITIES.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) How many municipalities in the Central Division have up till now adopted the principles laid down in Government Resolution No. 9693, General Department, dated the 14th September 1920 ;

(b) Which of them had a chance to bring those principles into effect in conformity with the Government Order No. 6176, General Department, dated the 18th May 1921 ?

(c) (1) Names of Municipalities which have adopted the above principles ;

(2) The Mahomedan and non-Mahomedan population residing in each of those municipalities ;

(3) The number of wards they were divided into for election purposes before the adoption of those principles, giving the information separately for each municipality ;

(4) Number of seats apportioned to each of such wards ;

(5) The number of wards sanctioned in each of those municipalities after they adopted the principles stated in Government Resolutions mentioned above, giving the number of seats apportioned to each of those wards treating each municipal case separately ;

(6) Whether any of these had reserved any seats for the Mahomedans ; if so, the names of these municipalities and the number of seats so reserved by each of them ;

(7) The average population per ward in each of those municipalities as it stood both before and after the adoption of the principles laid down in Government Resolution No. 9693, stated above ;

(8) Whether any of these municipalities were allowed to form their wards on the basis of the number of voters as against the principle laid down by Government, viz., "to form them on territorial basis only" ; if so, what steps were taken or are likely to be taken to give effect to the principle of dividing the area on territorial basis only ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
(a) and (b) Attention of the honourable member is invited to the answer

to the question put by the honourable member representing the Deccan Sardars and Inamdars on 20th July 1925.

(c) (1) Ahmednagar.	Sangamner.
Vambori.	Jalgaon.
Bhusaval.	Yaval.
Faizpur	Raver.
Savda.	Amalner.
Parola.	Chopda.
Dharangaon.	Erandol.
Chalisgaon.	Dhulia.
Nandurbar.	Shahada.
Shirpur.	Taloda.
Sindkheda.	Betavad.
Nasik.	Yeola.
Malegaon.	Sinnar.
Igatpuri.	Nandgaon.
Poona City.	Sasvad.
Jejuri.	Baramati.
Indapur.	Sirur.
Talegaon Dabhade.	Lonavla.
Alandi.	Junnar.
Poona Suburban.	Ashta.
Islampur.	Karad.
Mhasvad.	Rahimatpur.
Satara City.	Tasgaon.
Vita.	Wai.
Sholapur.	Barsi.
Pandharpur.	

(c) (2) to (8) Information is being obtained.

VAKILS OF THE HIGH COURT AND DISTRICT COURTS.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to supply the following information—

The present total number of vakils of the High Court of Bombay and of the District Courts according to each district of the Bombay Presidency admitted by the High Court of Bombay under Bombay Act XVII of 1920 or under any previous enactments ?

The Honourable Sir MAURIOE HAYWARD : It is not possible without the expenditure of an amount of time and trouble which would hardly serve any useful purpose to give the number of pleaders of the District Courts, but a reference is requested to pages 245 to 272 of the Bombay Civil List corrected up to 1st January 1925 as regards vakils of the High Court.

RESOLUTIONS PASSED BY FIRST CONFERENCE OF DECCAN BAGAITDARS.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased state—

(a) whether they have received any copies of the resolutions passed by the first conference of bagaitdars of Deccan Irrigation works in

Maharashtra held at Baramati, under the Presidentship of Mr. B. S. Kamat on or about 15th November 1924 ?

(b) If so, what has been done with the recommendations of the conference submitted to Government in the form of 25 resolutions ?

(c) Do Government propose to introduce legislation to revise the Irrigation Act ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes.

(b) They are under consideration.

(c) A definite reply is not possible at present.

Mr. C. M. Saptarshi : How long will Government take to consider it ?

The Honourable Mr. COWASJI JEHangIR : As long as it takes to come to a satisfactory conclusion.

Mr. C. M. Saptarshi : May I know the time by which Government expects to come to a conclusion ?

The Honourable Mr. COWASJI JEHangIR : I am not in a position to give the honourable member that information.

PHOTO-COPYING SYSTEM OF REGISTRATION.

Mr. N. R. Gunjal (Poona District) : (a) Will Government be pleased to state what is the amount of postage spent in 1924 for sending the documents of the Photozinc office and for returning the photo copies to Registration offices according to each office ?

(b) What is the amount recovered for photo pages in the several offices in which the photo-copying system is introduced from the beginning to the end of the year 1924 and what would such fees have been according to the old system ?

The Honourable Mr. A. M. K. Dehlavi : (a) The amounts of service postage expenditure for sending documents to the Photozinc Press and for returning them with their copies to the offices concerned were respectively Rs. 726 and 504 as detailed below :—

Name of office.	Postage for sending documents to Photozinc Press.			Postage for returning by Photozinc Press.		
	Rs.	a.	p.	Rs.	a.	p.
Haveli I, II
Haveli III
Indapur	3	0	0
Maval	21	15	0
Junnar	5	1	0
Ambegaon	32	11	0
Dhond	4	8	0
Satara	85	10	0
Walva	45	6	0
Karad	45	9	0
Sholapur	77	4	0
Ahmednagar	86	7	0
Baramati	53	7	0
Bandra	57	0	0
Bombay	208	0	0
				725	14	0
				503	13	6

(b) The total photo fee recovered during 1924 was Rs. 26,544, while the approximate amount of copying fee would have reached Rs. 32,640 as shown in the following table :—

Name of office.	Photo fee recovered.		Copying fee.	
	Rs.	a.	Rs.	a.
Haveli I, II	3,324	0	2,845	8
Haveli III	847	8	730	4
Indapur	47	14	35	6
Meval	569	12	543	0
Satara	1,699	0	1,200	0
Walva	1,233	12	987	4
Junnar	78	0	68	2
Bandra	1,404	0	1,700	0
Ambegaon	516	14	332	0
Ahmednagar	1,059	0	725	0
Baramati	1,185	10	1,100	0
Sholapur	2,660	10	2,455	10
Dhond	23	10	18	0
Karad	1,880	12	854	0
Bombay	10,213	8	19,065	2
	26,543	14	32,639	4

Mr. H. H. NARIELVALA : Do the figures satisfy the Honourable Minister that the photo fee recovered everywhere except Bombay is in excess of the copying fee ?

The Honourable Mr. A. M. K. DEHLAVI : Yes.

Mr. H. H. NARIELVALA : Are Government convinced that it is a more costly experiment ?

The Honourable Mr. A. M. K. DEHLAVI : No.

Mr. H. H. NARIELVALA : Do not the figures show that the photo fees are in excess of the copying expenses ?

[No answer.]

An Honourable MEMBER : Is it not a fact that the photos supplied in Bombay are larger than those supplied in the mofussil ?

The Honourable Mr. A. M. K. DEHLAVI : Possibly.

SELECTION GRADES FOR PRIMARY TEACHERS.

Mr. N. R. GUNJAL (Poona District) : (a) Will Government be pleased to state whether they have received any memorials from primary teachers in the matter of alleged injustice done to them in giving selection grades ?

(b) Is it a fact that a teacher who afterwards qualifies himself as a third year certificate holder has to give an agreement cancelling the certificate if he aspires for a selection grade of the second year ?

(c) Is it a fact that a third year teacher neither gets a selection grade in the third year owing to insufficient service in that grade nor gets a selection grade in the second year unless he cancels his third year certificate ?

(d) Does a third year teacher of equal service get lower pay than a second year teacher getting a selection grade ?

(e) What steps have been taken to remove this grievance of the primary teachers ?

The Honourable Mr. B. V. JADHAV : (a) Yes.

(b) to (e) The selection grades have now been abolished. Therefore the questions raised in paragraphs (b) to (d) do not now arise. The honourable member is however informed that some teachers with 3rd year certificates were wrongly promoted to selection grades of the 2nd year. On reconsideration they were therefore given the option of giving up the selection grades of the 2nd year or further promotions as 3rd year teachers. The 2nd year teachers in their selection grades used to draw more pay than the 3rd year teachers with less than 18 years' service.

CO-OPERATIVE SOCIETIES IN PATAS.

Mr. N. R. GUNJAL (Poona District) : (a) Will Government be pleased to state whether the Registrar of Co-operative Societies has received any memorials from the inhabitants of Patas, taluka Bhimthadi, district Poona, praying for an enquiry into the management of the Society there and for giving a second Society? If so, has it been disposed of; and what action has been taken therein ?

(b) Why is not the balance of the Cattle Breeding Society of Patas disposed of under the conditions of the Society which is now closed ?

The Honourable Mr. A. M. K. DEHLAVI : (a) No memorial was received by the Registrar of Co-operative Societies. An application for a second society was received by the assistant registrar of co-operative societies, Central Division, who found on enquiry that there was no necessity for the formation of a second society in the village. The application was therefore rejected.

(b) The surplus balance of the society was given as a donation to the Bombay Central Co-operative Institute. In the bye-laws of the society no conditions were laid down regarding the disposal of the surplus balance.

Mr. R. G. SOMAN : Are we to understand that the balance could not be better utilised in forming a second society in that place itself ?

The Honourable Mr. A. M. K. DEHLAVI : There was no necessity for a second society.

ACTION ON REPORT OF THE CATTLE BREEDING COMMITTEE.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) what steps they have taken *generally* on the proposals made by the Committee appointed to consider the question of maintenance

and improvement of the existing breeds of cattle of the Bombay Presidency, and

(b) what steps they have *especially* taken as regards the proposals in part VII of the Committee's Report—

- under Fodder 1 (for allotting increased areas for grazing)
- „ 6 (for erecting pumping plants for growing fodder)
- „ 7 (for having small tanks and wells in the Satpudas)
- and under Cattle 5 (for developing the milk-producing capacity of all breeds)
- „ 10 (for legislation regarding control of uncastrated bulls)
- „ 12 (for encouraging dairy farming)
- „ 13 (for reducing the slaughter of cattle), and.
- „ 14 (for legislation in connection with dairies) ?

The Honourable Mr. A. M. K. DEHLAVI : (a) The attention of the honourable member is invited to the orders contained in Government Resolution No. 3252, dated 5th August 1924, copies of which were supplied to all non-official members of the Legislative Council.

(b) Proposals (1) and (6) are still under the consideration of Government. As regards proposal (7), a provision of Rs. 3,050 for constructing seven wells in forest settlements in the Satpudas was made in the budget estimates for the current year (item No. 36 of the blue book) but had to be ultimately omitted on account of retrenchment. Proposals (5), (10), (12) and (14) have already been dealt with in paragraphs 6, 7, 10 and 12 of the Government Resolution referred to above. As regards proposal (13) Government do not think that any action is feasible at present.

Mr. P. G. JOSHI : As regards the last sentence, I want to ask what comes in the way of Government restricting or prohibiting the slaughter of milch and plough cattle ?

The Honourable Mr. A. M. K. DEHLAVI : That is a big question. I do not think I will be able to satisfy the House unless I get special time to discuss it here.

GOVERNMENT AIDED HOSTELS.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) the names of the Government aided Hostels in this presidency and

(b) the amount spent by them in aid of such hostels in 1921-22, 1922-23, 1923-24 and 1924-25 ?

The Honourable Mr. B. V. JADHAV: (a) and (b) The following table furnishes the information asked for by the honourable member for East Khandesh:—

Names of Government aided hostels in the Bombay Presidency.	The amount spent by Government in aid of such hostels in				Remarks.
	1921-22.	1922-23.	1923-24.	1924-25.	
	Ra.	Ra.	Ra.	Ra.	
1. University Women's Hostel, Bombay.	..	..	1,800	1,800	
2. Catholic Women's Hostel, Bombay.	..	..	1,080	1,080	
3. District Madressah Boarding House, Sukkur.	..	..	..	1,500	Non-recurring.
4. Depressed Classes Mission Hostel, Parel, Bombay.	346	570	600	540	
5. Do. do. Poona.	791	270	225	270	
6. Do. do. Hubli.	198	135	60	..	Closed.

DISTRICT COURT AT JALGAON.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) What steps they have taken so far to establish a district court at Jalgaon, and

(b) when they propose to issue the necessary notification establishing such court?

The Honourable Sir MAURICE HAYWARD: (a) and (b) Steps are being taken to establish it from the 1st September.

WAITING ROOMS AT AMALNER AND ERANDOL.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether they are aware that passengers are very much inconvenienced by the absence of any second class waiting rooms at the Amalner and Erandol Road railway stations;

(b) If so, whether they intend to take any action to remove the said inconvenience?

The Honourable Mr. LALUBHAI SAMALDAS: (a) and (b) The Agent, G. I. P. Railway, reports that the question of provision of an upper class waiting room at Amalner was taken up with the B. B. & C. I. Railway who have agreed that the waiting room is necessary. An estimate has been prepared and submitted to that Railway for

approval. As soon as that is received and funds are provided, the work will be taken in hand. The question of provision of a waiting room at Erandol Road is also under the consideration of the Agent, G. I. P. Railway.

TIMBER SMUGGLING FROM KANARA FORESTS.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

- (a) whether there was smuggling of timber from the Kanara forests during the years 1923-24 and 1924-25;
- (b) if so, what was the quantity so smuggled;
- (c) and by whom;
- (d) what steps did Government take as regards the offenders;
- (e) was any fine levied from the smugglers?

The Honourable Mr. A. M. K. DEHLAVI: It is not understood what the honourable member exactly means by "smuggling" of timber. If by smuggling is meant theft there are many cases of theft of timber, chiefly petty cases brought to light annually in Kanara, and it would serve no useful purpose to prepare a statement of such cases. If the honourable member points out any particular case or cases the necessary inquiry with regard to them will be made.

INCREASED LOCAL FUND CESS.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state what district local boards have increased the local fund cess and by what amount and from what date?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The accompanying statement* will give the required information.

INSPECTORS AND ASSISTANT INSPECTORS OF EXCISE.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state whether they contemplate any reduction in the number of inspectors and assistant inspectors of excise in view of the reduced quantity of work?

The Honourable Mr. A. M. K. DEHLAVI: No. There has been no reduction in the work of inspectors and assistant inspectors of excise.

TODDY SHOPS IN DHARWAR AND HUBLI.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state whether they contemplate establishing more toddy shops at Dharwar and Hubli during the next year?

The Honourable Mr. A. M. K. DEHLAVI: No.

* Vide Appendix No. 49.

IRRIGATION PROJECT OF THE MALAPRABHA RIVER.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether the irrigation survey has disclosed the fact that an irrigation scheme can be successfully undertaken on the Malaprabha river?

(b) If so, at what point?

The Honourable Mr. COWASJI JEHangIR: (a) and (b) The attention of the honourable member is invited to the reply given in the last session of the Bombay Legislative Council to question (a) put by honourable member Mr. V. N. JOG (Dharwar District) with regard to "Irrigation in the Dharwar District".

A SHIGGAON GOWLI IN MUNDGOD.

Mr. M. D. KARKI (Kanara District): (a) Will Government be pleased to state whether it is a fact that grazing fees are levied at a higher rate from gowlis (cowherds) who come to reside permanently in the district of Kanara from neighbouring districts than from local gowlis?

(b) If the reply is in the affirmative, will Government be pleased to state why a higher rate is levied?

The Honourable Mr. A. M. K. DEHLAVI: (a) Gowlis—whether of the Kanara district or of neighbouring districts—residing permanently in the district and sticking to the jungle assigned by the Forest Department are charged grazing fees at the normal rate of two annas per head of cattle. If they leave the allotted jungle and move from village to village or to another part of the forest, grazing fees at Re. 1 per head are charged under rule XVIII of the Grazing Rules printed at page 337 of the Forest Manual, Volume II.

(b) Does not arise.

Mr. M. D. KARKI: Is it a fact that a gowli who came from the neighbouring taluka town of Shiggaon in the Dharwar district to Mundgod town in the Kanara district was made to pay Re. 1 per head in contravention of that rule?

The Honourable Mr. A. M. K. DEHLAVI: I shall have to find that out, if the honourable member will give me notice.

Mr. M. D. KARKI: If I give such notice, Sir, the question is objected to on the ground that it refers to an individual.

The Honourable the PRESIDENT: If it is a matter of general public interest, then alone the question can be allowed.

Mr. M. D. KARKI: Sir, I had sent a question about a Shiggaon gowli who has come to Mundgod with his family and cattle to reside permanently as the heading of the question shows. That was however referred back to me.

EXPENDITURE ON LLOYD BARRAGE, ROADS AND BUILDINGS.

Mr. M. S. KHUHRO (Larkana District): (a) Will Government be pleased to state how much has been spent over the buildings and roads for the Barrage up to the 31st March 1925 ?

(b) How much is still intended to be spent over the buildings and roads ?

The Honourable Mr. COWASJI JEHangIR: (a) and (b) Rs. 17,01,817 have been spent on buildings up to 31st March 1925 and about Rs. 48,00,000 more are intended to be spent. In the Lloyd Barrage and Canals Construction Project, there are no roads, except service roads, on which an expenditure of Rs. 10,653 has been hitherto incurred and about Rs. 12,850 more are intended to be spent.

GOVERNMENT POLICY IN NOMINATIONS TO LOCAL BODIES.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state the principles on which nominations by Government on such bodies as the Bombay Municipal Corporation and its standing committee, municipalities, district and taluka local boards are made ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The nominations to the local bodies referred to are determined generally by local circumstances in each case. The following among other points are, however, always taken into consideration when nominations are made :—

- (1) whether minorities are duly represented ;
- (2) whether backward and depressed classes have been duly represented ;
- (3) whether there are other special interests in the locality which require representation ;
- (4) whether the representation of the various communities needs to be adjusted ;
- (5) whether there is any need for the presence of experts on those bodies ;
- (6) whether it is desirable to secure the inclusion of persons with experience of the administration of the local bodies. Moreover in the case of local boards section 5 (4) of the Bombay Local Boards Act makes it obligatory on Government to nominate a Member of the depressed classes if no such member is elected and if there is any member of those classes qualified and willing to be nominated.

Mr. K. F. NARIMAN: Is it not a fact that the municipal commissioner submits names for nomination ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: He only suggests names.

Mr. K. F. NARIMAN: Does his suggestion carry any weight ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Not necessarily.

Mr. K. F. NARIMAN : Is there any instance where a recommendation made by the municipal commissioner in this connection has not been accepted by Government ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Not one, but several.

Mr. K. F. NARIMAN : Will the Honourable Minister be pleased to submit those names to the House or place them on the Council table ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The honourable member is a member of the corporation and I believe he is aware or can become aware of such names ?

Mr. K. F. NARIMAN : It is true that I am a member of the corporation, but as such member I am not in a position to know whether the recommendation of the commissioner is accepted by the Government or not. Therefore, my question is : will the Honourable Minister be pleased to place the names of such persons on the Council table ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : No.

Mr. C. M. SAPTARSHI : In the case of the district local boards what are the principles observed on which nominations are made by Government ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I must refer my honourable friend to the reply given to a similar question. Under the Act, the Commissioner of the Division can nominate as he has been authorized by Government.

Mr. V. R. KOTHARI : Is it not a fact that these rules are not properly observed now-a-days, and that nominations are made by the Commissioners of such persons as will oppose the nationalists in the local bodies ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Not to my knowledge.

Mr. C. M. SAPTARSHI : Has the Honourable Minister taken care to scrutinise the nominations made by the Commissioners in this connection ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I have already stated that the honourable House has authorized Government to give the power of nomination on the local bodies to the Commissioner.

Mr. V. R. KOTHARI : Will the Honourable Minister give instances in which Government nominees have made common cause with the members of local bodies ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I cannot say.

Mr. G. K. MAVALANKAR : Is it not a fact that nominations are made of such persons who fail in the elections ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I do not know.

GOVERNMENT NOMINATIONS TO LOCAL BODIES IN THE MOFUSSIL.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state whether it is a fact that no definite principles are followed by the Commissioners of the divisions and the mofussil authorities in nominating members to municipalities and to the taluka and district local boards?

(b) If so, do Government intend to take any action in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Attention is invited to the reply given by Government to the previous question put by the honourable member on the subject.

(b) No.

NOMINATIONS TO SCHOOL BOARDS UNDER PRIMARY EDUCATION ACT.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to enlighten the House regarding the delay caused by Government authorities in not sending nominations to the newly constituted school boards under the Bombay Compulsory Primary Education Act?

The Honourable Mr. B. V. JADHAV: Information is being collected.

PROXIMITY OF STABLES TO MAHOMEDAN BURIAL GROUND.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state—

(a) whether it is a fact that the site of the proposed stables at Andheri is close to a Mahomedan burial ground and that the feelings of Mahomedans have been deeply wounded?

(b) Have Government received any application from the Mahomedan residents of the locality in this connection?

(c) If so, what steps are intended to be taken?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) After the permission was granted to build stables a few unauthorised and defaced graves presumably of Mahomedans were noticed in Government land adjoining the stables.

(b) The answer is in the affirmative.

(c) As it has already been decided not to permit any more such stables in the said area and especially in view of the fact that the land on which the stables have been built is being purchased by Messrs. P. B. Godrej and others with a view to dismantle the stables and that the graveyard is being measured off and assigned to the Mahomedans, Government do not intend to take any action in the matter.

INDIANS IN THE BOMBAY PORT TRUST.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state whether it is a fact (a) that their attention was drawn to the resolution of the Honourable Mr. P. C. Sethna about giving preference to Indians in higher grades when vacancies occur in the Bombay Port Trust?

(b) that in spite of the Port Trustees adopting the resolution by a majority of all European Trustees *versus* Indian Trustees to appoint Mr. Smith, Government did not accept the resolution but referred it back to the Trustees for further consideration ?

(c) that in spite of the resolution of the Trustees to invite fresh applications after six months the European Trustees by a majority against all Indian Trustees confirmed Mr. C. P. Gay as Chief Accountant ?

(d) that all the Indian Trustees present again protested against the Resolution and approached Government not to confirm the said appointment ?

(e) that in spite of the protest by the Indian Trustees Government by Resolution No. S-20 (4) 399, dated 4th May 1925, sanctioned the confirmation of Mr. C. P. Gay ?

(f) that Government have thereby deprived Indians of even the chance of applying for a post for which several Indians are competent ?

(g) that Mr. C. P. Gay was not thought competent only six months back by the same European Trustees and Chairman who confirmed him and modified their opinion in six months ?

(h) Will Government be pleased to state whether they intend to give effect within the powers vesting in them to the Resolution passed by the Council of State and accepted by the Trustees ?

The Honourable Mr. COWASJI JEHangIR : (a) The attention of Government was drawn by the Government of India to a resolution moved by the Honourable Mr. P. C. Sethna in the Council of State on the 26th January 1922 recommending that steps be taken to increase the number of Indians in the higher grades in the service of Port Trusts.

(b) Yes.

(c) Government are not aware of any resolution of the Trustees to invite fresh applications after six months. It is a fact that the confirmation of Mr. Gay was decided on by a majority of the Trustees.

(d) Yes.

(e) Yes.

(f) As the Trustees did not resolve to invite fresh applications but decided to promote one of their officers, *viz.*, Mr. Gay, who was born and is domiciled in India, and, therefore, an Indian subject of His Majesty, Government did not deprive Indians of the chance of applying.

(g) In 1924 Mr. Gay was not considered to be the most suitable candidate available. At the time of his appointment on 24th February last Mr. Gay had been acting as Chief Accountant for 21 months, and from the experience thus gained of his work the Chairman and Trustees changed their previous views in regard to him and concluded that his appointment to the post was the best possible choice.

(h) The reply is in the affirmative.

Mr. M. R. JAYAKAR : With reference to reply to (h), will the Honourable Member give an undertaking to this House that the resolution of Mr. Sethna which is referred to in the question will be given effect to in making a permanent appointment to the now vacant place as the Chairman of the Port Trust ?

The Honourable Mr. COWASJI JEHangIR : The resolution deals with appointments made by trustees ; the honourable member now asks me about appointments made by Government.

Mr. G. I. PATEL : It is stated in answer (f) that " as the trustees did not resolve to invite fresh applications but decided to promote one of their officers, viz., Mr. Gay, who was born and is domiciled in India, and, therefore, an Indian subject of His Majesty, Government did not deprive Indians of the chance of applying". May I know whether Government follows the policy of assisting those officers who are born and are domiciled in India, in preference to inviting applications for the post ?

The Honourable Mr. COWASJI JEHangIR : It is rather an extraordinary question, Mr. President. The answer is that, as the trustees did not resolve to invite fresh applications but decided to promote one of their officers, namely, Mr. Gay, Government did not deprive Indians of the chance of applying. I do not see how the honourable member's supplementary question has any reference to this answer.

Mr. G. I. PATEL : The Honourable Member omits the words following " Mr. Gay"; those words are " who was born and is domiciled in India, and, therefore, an Indian subject of His Majesty". I want to know whether in such cases where the officers are born and are domiciled in India and are therefore considered to be Indian subjects of His Majesty there was any necessity to invite fresh applications.

The Honourable the PRESIDENT : What is the point of further information that the honourable member requires ?

Mr. G. I. PATEL : My question is : in cases where officers like Mr. Gay who are considered to be born and domiciled in India are available for posts, whether the posts are to be given to such people and fresh applications are not to be invited ?

The Honourable the PRESIDENT : Does the honourable member want to ask whether the policy underlying this part of the reply is going to be followed in all cases ? Is that the honourable member's question ?

The Honourable Mr. COWASJI JEHangIR : There is no question of policy in this answer, Sir. It is a question of a statement of fact.

The Honourable the PRESIDENT : So far as I can gather, the honourable member wants to know whether the reason why this appointment was made represents a policy to be pursued in the future. If so, will the honourable member put his question ?

Mr. G. I. PATEL : Will the Honourable Member kindly say whether it is the policy of Government to follow such instances in future of giving preference to such people who are born and domiciled in India ?

The Honourable Mr. COWASJI JEHangIR : I am afraid the honourable member has not understood the answer. The answer is perfectly clear. The answer is that Government did not interfere because the Port Trust chose to promote one of their own officers, firstly ; and, secondly, in reference to the resolution passed by the Council of State at the instance

of Mr. Sethna, Government did not interfere since the officer was one who was born and domiciled in India. That is the answer.

Mr. G. I. PATEL : Will the Honourable the General Member be pleased to say whether in future the policy of Government will be to give preference to officers born and domiciled in India in case of such vacancies ?

The Honourable Mr. COWASJI JEHangIR : It is not the policy of Government not to ask for applications when there are officers who are born and domiciled in India in the service already. That is a well known fact, that cannot be the policy of Government.

Mr. M. R. JAYAKAR : Does the Honourable the General Member's policy in making appointments which lie in his power differ from the one which is contained in the recommendation made in the resolution of Mr. Sethna ?

The Honourable Mr. COWASJI JEHangIR : Each appointment will be judged on its own merits so far as Government is concerned.

MOULVI RAFI UDDIN AHMAD : Does the Honourable the General Member exercise his mind with regard to these appointments ?

The Honourable Mr. COWASJI JEHangIR : He does.

Mr. K. F. NARIMAN : Will the Honourable the General Member be pleased to state whether he will consider the claims of Indians for the post of the Chairman of the Port Trust when the next vacancy occurs shortly ?

The Honourable Mr. COWASJI JEHangIR : There is nothing to prevent Government from considering the claims of Indians for any appointment under Government.

Mr. S. K. BOLE : Will Government state Mr. Gay's qualifications ?

The Honourable Mr. COWASJI JEHangIR : I will enquire if notice is given.

Mr. H. H. NARIELVALA : Could not Government get a copy of the resolution from the Port Trust ?

The Honourable Mr. COWASJI JEHangIR : Government can get it.

Mr. H. H. NARIELVALA : What is the reason ?

The Honourable Mr. COWASJI JEHangIR : I am afraid the honourable member has not understood either the question or the answer. The answer is that the Port Trust did not pass any such resolution as the honourable member Mr. Lalji Naranji seems to imagine.

Mr. M. R. JAYAKAR : The Trustees accepted the resolution of Mr. Sethna.

The Honourable Mr. COWASJI JEHangIR : My honourable friend is referring to another resolution.

Mr. LALJI NARANJI : Is the Honourable the General Member absolutely sure that the Trustees passed no such resolution ?

The Honourable Mr. COWASJI JEHangIR : Yes. The minutes were before me and I could find no such resolution. Probably my

honourable friend is confusing the moving of a proposition with the passing of a resolution.

Mr. LALJI NARANJI: But I am positive that such a resolution was passed.

The Honourable Mr. COWASJI JEHangIR: I cannot find any such resolution in the minutes of the proceedings of the Trustees.

Mr. P. G. JOSHI: Are we to understand that Mr. Gay was promoted in the belief that he was a *bona fide* Indian?

The Honourable the PRESIDENT: The answer is quite clear. We have had enough of these supplementary questions.

MR. FERN, POTTERY SUPERINTENDENT.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state—

(a) Whether it is a fact that Mr. Fern, Pottery Superintendent of the Sir J. J. School of Arts had borrowed Rs. 6,000 (Rs. 5,000 on 18th September 1919 and Rs. 1,000 on 17th February 1920) on interest at the rate of $7\frac{1}{2}$ per cent. per annum from the Bombay and Mofussil Grass Trading Company of Bombay who were then the proprietors of Sorab Dalal Tile Works at Than Road on certain conditions?

(b) Whether Mr. Fern asked for a six annas share from the Bombay and Mofussil Grass Trading Company for manufacturing fire bricks, tiles, pottery, etc.?

(c) Whether Mr. Fern had any connection or private interest in the Fern Pottery Works, Ltd., being floated in 1919 at Nadol in the Dehgam district of the Baroda State?

(d) If the facts are as stated in (a), (b) and (c) do Government intend to take any action in the matter? If so, what action do they intend to take?

The Honourable Mr. B. V. JADHAV: (a), (b), (c) and (d) Inquiries are being made.

LOANS TO HOUSING SOCIETIES.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state—

(a) The amount of the loans advanced to different housing societies and the names of the societies to which such loans have been advanced;

(b) whether they receive any regular reports regarding the progress of these societies and the administration of their funds;

(c) what are the safeguards, if any, adopted by the Government for the satisfactory administration of these funds by these societies;

(d) whether there is any sinking fund provided against these loans and if so, what is the present amount of the sinking fund?

The Honourable Mr. A. M. K. DEHLAVI: (a) A statement* is appended.

* Vide Appendix No. 50.

(b) The accounts of the societies are audited every year by a Special Auditor and the Societies are usually visited both by the Assistant Registrar and the Registrar of Co-operative Societies who look into the progress of the Societies and the administration of their funds.

(c) In Bombay the layout, plans and estimates of buildings for which loans are given are approved by the Director of Development and in other areas the layout and plans are approved by the Consulting Surveyor to Government and the estimates by the Superintending Engineer of the Circle. When loans are advanced in instalments, before any subsequent instalment is advanced, the Society has to produce a certificate from the Development Directorate or the Superintending Engineer, as the case may be, showing that the work actually done or land bought or materials at site of work actually paid for represent expenditure exceeding the amount of the loan actually advanced by at least 25 per cent.

(d) Provision is made in the bye-laws of the societies for the rents or instalments due from members in such a way as to include the necessary amount for the sinking fund. The loans to Government are payable in equated instalments of principal and interest within a period ranging from 25 to 40 years. It is therefore not necessary for the societies to keep a separate account of the sinking fund.

Mr. LALJI NARANJI : With reference to answer to (c), do Government consider that 25 per cent. is sufficient security for the loans looking to the fact that there is depreciation in the price of lands and buildings ?

The Honourable Mr. A. M. K. DEHLAVI : So far the principle has worked very well.

Sir VASANTRAO A. DABHOLKAR : Are all the houses fully occupied ?

The Honourable Mr. A. M. K. DEHLAVI : I require notice.

Sir VASANTRAO A. DABHOLKAR : With reference to answer to (b), namely, that the Registrar and the assistant registrar look into the progress of the societies and the administration of their funds, do you still want notice ?

The Honourable Mr. A. M. K. DEHLAVI : The honourable member wanted to know whether the houses were all fully occupied.

The Honourable the PRESIDENT : That does not arise out of the reply.

Sir VASANTRAO A. DABHOLKAR : In the appendix to the reply to this question Government show the amount of advances made comes to Rs. 24,80,000. What is the number of houses built ?

The Honourable Mr. A. M. K. DEHLAVI : I want notice.

Sir VASANTRAO A. DABHOLKAR : Against No. 5 in the same appendix, Gaud Saraswat Brahmin Co-operative Housing Society, Limited, Bombay, there is an amount of Rs. 3,56,000 fully drawn. Are all these buildings completed ?

The Honourable Mr. A. M. K. DEHLAVI : If I remember aright, yes, but I may ask for notice.

RULES REGARDING PASSENGER BOOKING OFFICES.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to lay on the Council table a copy of the rules regarding passengers booking offices?

The Honourable Mr. LALUBHAI SAMALDAS: The question relates to a central subject and Government are not in a position to answer it.

THIRD CLASS RAILWAY FARES.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether they are aware that the first and second class fare for passengers has been reduced since last year while the third class fare which has almost doubled during the last 15 years stands as it is?

The Honourable Mr. LALUBHAI SAMALDAS: The question relates to a Central subject and Government are not in a position to answer it.

Khan Saheb A. M. MANSURI: Will Government make a representation to the Government of India in the interests of the third class passengers?

The Honourable Mr. LALUBHAI SAMALDAS: The question relates to a central subject and the proper procedure is for the honourable member's friends to raise this question in the Central Legislature.

GUJARATI SECTION OF THE P. R. TRAINING COLLEGE.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

- (a) the number of classes in the P. R. Training College for men on the Gujarati side;
- (b) the average periods of work during the morning sessions as well as during the afternoon sessions for each teacher on the Gujarati side;
- (c) the strength of the staff on the Gujarati side?

The Honourable Mr. B. V. JADHAV: Information has been called for.

URDU SECTION OF P. R. TRAINING COLLEGE.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

- (a) the number of classes in the Urdu training classes in the P. R. Training College;
- (b) the average periods of work during the morning sessions as well as during the afternoon sessions for each teacher on the Urdu side;
- (c) the strength of the staff on the Urdu side?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

ELECTION TO THE SCHOOL BOARD AT SURAT.

Dr. M. M. MEHTA (Surat City): Will Government be pleased to state—

(a) whether it is a fact that Government have on the advice of their Legal Remembrancer held that persons residing outside municipal limits, although qualified under the Bombay District Municipal Act, 1901, to be elected to the municipal board, are disqualified for being elected on the school board under the Bombay Primary Education Act, 1923;

(b) if so, will Government be pleased to state whether it is a fact that Dewan Bahadur Thakoreram, who has been elected to the school board of Surat, resides outside the municipal limits of Surat;

(c) whether it is a fact that in spite of his being informed of the Government letter declaring such an election to be illegal, Dewan Bahadur Thakoreram took his seat at the school board election meeting at Surat;

(d) whether it is a fact that the chairman of the meeting Rev. Dr. Scott, a nominated member of the school board, Surat, also took no notice of the said Government letter when it was handed over to him at the meeting and proceeded with the election of the chairman?

The Honourable Mr. B. V. JADHAV: (a) The attention of the honourable member is invited to rule 13 of the Bombay Primary Education Rules, 1924, published in Government notification No. 2534, dated the 10th October 1924, which requires that a member of a school board of a local authority, which is a municipality, must ordinarily reside within the municipal district and must not be disqualified from being a member of the municipality.

(b) to (d) Enquiries are being made.

Dr. M. M. MEHTA: If that is a fact, then will he be disqualified?

The Honourable Mr. B. V. JADHAV: The rules are there to see whether he is qualified or not.

Dr. M. M. MEHTA: Were the nominations made in anticipation of this and in accordance with the spirit of the speech of the previous Minister of Education made while introducing the Bill? How does the answer differ from the question? I ask this question because the answer given does not differ materially from the question put.

The Honourable Mr. B. V. JADHAV: I do not think the answer so differs.

NOMINATIONS TO SCHOOL BOARDS.

Dr. M. M. MEHTA (Surat City): Will Government be pleased to state—

(a) whether it is a fact that Government have nominated three members on the newly formed school board of Surat;

(b) whether it is a fact that such nominations have not been made on the school board at Ahmedabad;

(c) if so, will Government be pleased to state, by a comparative statement of qualifications of elected members of the two respective school boards, why nominations have been made on the school board at Surat only;

(d) how many school boards have been established in this presidency and on how many of them Government have made nominations;

(e) whether it is a fact that in nominating persons on the school board at Surat Jains with university qualifications were passed over and one Jeevanbhai Bhagubhai Vakilna, who has no university qualification, was nominated from the Jain community of Surat;

(f) whether it is a fact that the said Jeevanbhai Bhagubhai Vakilna was not elected by any of the wards from which he contested the last municipal election held in Surat in February 1925;

(g) whether it is a fact that the said Jeevanbhai Bhagubhai Vakilna who belongs to the Jain community of Surat was not elected by ward No. 9 of the Surat City Municipality which is mostly inhabited by Jains;

(h) whether it is a fact that the said Jeevanbhai Bhagubhai was not elected a member of the schools committee by the Surat Municipality which preceded the Municipality of 1921.

The Honourable Mr. B. V. JADHAV: (a) to (c) The attention of the honourable member is invited to Government Notifications No. 3608-F/Pt. II/2231, dated the 4th June 1925 and No. 3608, dated the 5th idem. It will be observed that Rao Bahadur Giridharlal U. Parikh and Mr. M. N. Shaikh have been nominated by Government on the school board of the Ahmedabad municipality.

(d) Up to the present, 53 school boards have been established, but the school board elections have not been completed in all cases. Government have so far made nominations in the case of 11 boards.

(e) to (h) Enquiries are being made.

Mr. G. I. PATEL: With reference to reply to (a) and (c), will the Honourable Minister be pleased to state whether the educational inspector failed to make recommendations for these nominations and that the Collector was compelled to make these nominations?

The Honourable Mr. B. V. JADHAV: Sorry, I cannot give any information on this point.

Mr. G. I. PATEL: Was there any difference between the educational inspector and the Collector of Ahmedabad in making these nominations?
(No reply).

Mr. H. D. SAHEBA: What classes do these gentlemen, Rao Bahadur Giridharlal U. Parikh and Mr. M. N. Shaikh represent on the school board which were not already represented on that board?

The Honourable Mr. B. V. JADHAV: Government thought it necessary to appoint these men to represent certain interests and Government made these appointments.

Mr. W. S. MUKADAM: May I know what are those interests?

The Honourable Mr. B. V. JADHAV : I am not at present in a position to give you information on that point.

Mr. G. K. MAVALANKAR : Is it not a fact that the board threw them out in the elections ?

The Honourable Mr. B. V. JADHAV : I am not aware of that.

Mr. J. C. SWAMINARAYAN : Is the Honourable the Minister of Education aware that Dr. Paranjpye, while introducing the Primary Education Act, gave an assurance that all the interests contemplated by that Act would be represented on the board and that Government would not make any nominations ?

The Honourable Mr. B. V. JADHAV : I am aware of that.

Mr. W. S. MUKADAM : Is that policy carried out ?

The Honourable Mr. B. V. JADHAV : In most cases.

Dr. M. K. DIXIT : What were the special reasons for making nominations in the case of these 11 boards only ?

The Honourable Mr. B. V. JADHAV : Government thought it necessary to make these nominations and so they made them.

Dr. M. K. DIXIT : What are the special reasons ?

The Honourable Mr. B. V. JADHAV : The reasons were, I think, given by the opposition in the municipality of Ahmedabad when the question about the nomination was discussed there.

MOULVI RAFI UDDIN AHMAD : With regard to the 58 school boards how was each member singled out, and with regard to the rest is it contemplated to make nominations ?

The Honourable Mr. B. V. JADHAV : Each case is decided on its merits.

MOULVI RAFI UDDIN AHMAD : Then there is no such prohibition ?

The Honourable Mr. B. V. JADHAV : It rests at the discretion of Government.

Mr. J. C. SWAMINARAYAN : Were school boards allowed to begin work before the nominations were made ?

The Honourable Mr. B. V. JADHAV : Yes.

KHAN BAHADUR DOTIWALA OF THE SURAT MUNICIPALITY.

Dr. M. M. MEHTA (Surat City) : Will Government be pleased to state—

(a) whether they are aware of the fact that Khan Bahadur Dotiwala who is a nominated member of the Surat Municipality is a partner with one Mr. Pestonji in his municipal contracts ?

(b) Are Government aware of the fact that Khan Bahadur Dotiwala personally supervises such contract works taken in hand by the said contractor ?

(c) If so, will Government be pleased to state whether they propose to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Information has been called for.

CANCELLATION OF NON-CO-OPERATORS' GUN LICENSES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : With reference to the questions and answers that took place in this Council on July 21st, 1924, on the subject of cancellation of certain gun licenses, owing to non-co-operation, will Government be pleased to state—

(a) the specific acts of non-co-operation on the part of the license-holders which disentitled them to hold the licenses in question ;

(b) whether it is their settled policy to cancel gun licenses of non-co-operators ?

The Honourable Sir MAURICE HAYWARD : (a) The civil disobedience pledge had been taken by five. Two were instrumental in passing resolutions to refuse payment of the dues of the Forest Department and to boycott the servants of Government. One was a dismissed patel who had non-co-operated with Government. The remainder were leaders in the local non-co-operation movement of 1922-23 of which the object was reported to be the subversion of the Government.

(b) A reference is requested to the replies given on the 18th October 1924 to a similar question* from the honourable member for the Dharwar District.

Mr. W. S. MUKADAM : Was this subversion the primary aim of the non-co-operation movement ?

The Honourable Sir MAURICE HAYWARD : I cannot say what the primary aim was, but it was regarded to be the aim.

Mr. M. R. JAYAKAR : What is the object of Government in depriving these people of their licenses ? Is it as a punishment for the political misdeeds or a safeguard against the misuse of the licenses ?

The Honourable Sir MAURICE HAYWARD : The general policy has been stated to be not to allow arms to people who are likely to disturb public peace.

Mr. H. H. NARIELVALA : On whose reports do Government grant these licenses ?

The Honourable Sir MAURICE HAYWARD : On the reports from our trusted local officers.

Mr. W. S. MUKADAM : Is Government aware that non-co-operators are non-violent ?

The Honourable Sir MAURICE HAYWARD : No.

Mr. H. H. NARIELVALA : Does not the armoury of the Act provide sufficient protection to Government ?

The Honourable Sir MAURICE HAYWARD : No.

* Vide Vol. XIII, page 449.

ANTI-GOVERNMENT AGITATION BY PENSIONERS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) the reasons that led them to issue Government Resolution No. 2851 of December 1923 on the subject of participation by Government pensioners in anti-Government agitation or propaganda?

(b) have Government laid down any definition of 'anti-Government'; if so, what is it?

(c) In how many cases action has been taken so far under this Resolution?

(d) Why the Resolution has not been communicated to all their pensioners?

The Honourable Mr. H. S. LAWRENCE: (a) and (d) The attention of the honourable member is drawn to the answer given to the question* put by the honourable member, Nasik District, at the October Session of 1924.

(b) No.

(c) No action was taken under the resolution before it was cancelled.

STONE MINES BORING MACHINES AT SUKKUR BARRAGE.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that several machines for boring stone mines at Sukkur purchased for Rs. 10,000 each, have become useless for want of proper supervision?

(b) whether it is a fact that the Superintending Engineer, Barrage Circle, Sukkur, has sent for additional machines from England and pending their arrival has given a stone mining contract for six months, at the same rate?

(c) whether it is a fact that stone mining done by Government quarry engineers at Sukkur with the help of boring machines has cost Rs. 50 or Rs. 55 per thousand cubic feet, though for similar work contractors have charged Government Rs. 22-8 per thousand cubic feet?

The Honourable Mr. COWASJI JEHangIR: (a) No. Only one boring machine has so far been purchased at a cost of Rs. 4,400 and it is in good working order.

(b) No.

(c) No. The machine is being used experimentally and will not be put into regular use unless the cost works out at a rate at least as low as that at which the same work can be carried out by contractors.

Mr. H. H. NARIELVALA: Did not Government inquire from the makers the capacity and cost of working the machine?

The Honourable Mr. COWASJI JEHangIR: I would refer the honourable member to the answer as printed.

* Vide Vol. XIII, page 913.

Mr. H. H. NARIELVALA : Then, why is the experiment necessary ? (No reply).

SILTING OF THE MOUTH OF THE NASRAT CANAL.

MUKHI JETHANAND PRITAMDAS (Eastern Sind): (a) Will the Government be pleased to state whether they are aware that as a result of the silting of the mouth of the Nasrat Canal, a very considerable loss was sustained by the zamindars of that side in the year 1924 ?

(b) Will they state what has been the loss of land revenue on this account ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

REVISION SETTLEMENT IN KHED TALUKA.

Mr. B. R. NANAL (Ratnagiri District): (1) Will Government be pleased to state whether revision settlement operations were in progress in the Taluka of Khed and the Peta of Mandangad of the Ratnagiri District at the time when the Council passed its resolution recommending to Government the suspension of all such operations in the Presidency ?

(2) Were the operations in question suspended accordingly ?

(3) If not, will Government be pleased to state the reasons therefor ?

(4) Will Government be pleased to state whether the settlement officer has submitted his proposals to Government and if so, what action Government propose to take on them ?

The Honourable Mr. LALUBHAI SAMALDAS : (1) Yes.

(2) No.

(3) There is no reason why enquiries should not be undertaken in places where existing revision settlements are about to expire. The question whether revision settlement should be introduced as result of such enquiry is a different matter.

(4) The proposals have yet to be received and considered by Government.

The THAKOR or KERWADA : Is it the general policy of Government to go on increasing assessment in spite of the resolution of this Council against the revision ?

The Honourable Mr. LALUBHAI SAMALDAS : There is no increase of assessment but there is merely an inquiry.

CONVICTED HONORARY MAGISTRATES.

Mr. K. F. NARIMAN (Bombay City, South): As honorary magistrates are appointed from the justices of peace will Government be pleased to state whether there are any honorary magistrates who have been convicted in the police courts ?

The Honourable Sir MAURICE HAYWARD : Government are not aware of any such magistrates.

Mr. K. F. NARIMAN: Will Government give an assurance to this House that gentlemen who have been convicted will not be appointed honorary magistrates?

The Honourable Sir MAURICE HAYWARD: Government can give no assurance on a hypothetical question?

Mr. K. F. NARIMAN: Is it not a fact that there is a J. P. who has been convicted and Government have admitted that fact in this House?

The Honourable Sir MAURICE HAYWARD: I think the answer must be within the memory of the honourable member.

Mr. K. F. NARIMAN: In that case will Government give an assurance that gentlemen who have been convicted will not be appointed or invited to be honorary magistrates?

The Honourable Sir MAURICE HAYWARD: The question does not arise.

Mr. K. F. NARIMAN: I appeal to you, Sir, whether the question does arise or not? It is for the President and not for the Home Member to decide whether the question arises or not.

The Honourable Sir MAURICE HAYWARD: The question has not arisen of appointing that particular gentleman as an honorary magistrate.

J.P.'s AS SPECIAL MAGISTRATES.

Mr. K. F. NARIMAN (Bombay City, South): Will Government be pleased to state whether it is a fact that any J.P. may be called upon in case of emergency to act as a special magistrate?

The Honourable Sir MAURICE HAYWARD: Government expect a J.P. to be willing to serve as an honorary magistrate, if invited to do so, in case of emergency.

Mr. K. F. NARIMAN: I will repeat the same question here. Will Government give an assurance that gentlemen who are convicted and who have been J. Ps. will not be invited to be honorary magistrates?

The Honourable Sir MAURICE HAYWARD: The question has not arisen of appointing the particular gentleman to be an honorary magistrate.

Mr. K. F. NARIMAN: The answer of Government is:

“Government expect a J.P. to be willing to serve as an honorary magistrate, if invited to do so, in case of emergency.”

Can Government give an assurance that a gentleman who has been convicted and who has been a J. P. will not be invited to be an honorary magistrate?

(No reply).

CARE OF INDOOR PATIENTS IN HOSPITALS.

Mr. R. S. NEKALJAY: Will Government be pleased to state whether they are aware—

(a) that indoor patients suffering from diarrhoea, dysentery and such other diseases are not served properly by the menial staffs of hospitals;

- (b) that maternity cases have to suffer similarly during the absence of the sister in charge ;
 (c) do they propose to take any action in the matter ?

The Honourable Mr. B. V. JADHAV : No complaints have so far been received either by Government or by the head of the Medical Department in this matter.

Mr. G. B. PRADHAN : Will the Honourable Minister make inquiries whether there were complaints in this matter against the authorities of the J. J. Hospital ?

The Honourable Mr. B. V. JADHAV : No complaints have been received.

MEDICINE FOR DEPRESSED CLASSES IN VILLAGES.

Mr. R. S. NEKALJAY : Will Government be pleased to state—

- (a) whether they are aware that the depressed classes in the villages are given medicines without the patient being examined ;
 (b) what action do Government intend taking in this matter ?

The Honourable Mr. B. V. JADHAV : No complaints have so far been received by Government or by the head of the Medical Department in the matter.

Mr. P. G. JOSHI : But is not Government aware of the fact ? That is the question.

The Honourable Mr. B. V. JADHAV : Unless Government receive any complaints they cannot be aware of them.

FOREST LAND AVAILABLE FOR CULTIVATION.

Mr. R. S. NEKALJAY : Will Government be pleased to state how many acres of waste or forest land are available for cultivation in each district of the presidency ?

The Honourable Mr. LALUBHAI SAMALDAS : The honourable member is referred to Table II—Area, appended to the Season and Crop Report of the Bombay Presidency, for the information he requires.

ACCIDENTS CAUSED BY ORDERS OF THE EXECUTIVE ENGINEER (MECHANICAL AND POWER HOUSE).

Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state whether—

- (a) it is a fact that the Executive Engineer (Mechanical and Power House) issued orders to his assistant Mr. Woodward to mount a pile driving machine on a single country boat ; and if so,
 (b) whether Government are aware of these orders ;
 (c) whether it is a fact that the Assistant Engineer represented to the Executive Engineer repeatedly in writing the impracticability of carrying out such orders and the almost certain danger to life and property attending upon his obeying such orders ;

(d) whether it is a fact that the Assistant Engineer finally declined to carry out those orders as they involved danger to life and property and resigned his appointment rather than carry out such orders ;

(e) whether it is a fact that the Executive Engineer thereupon directed another Indian Assistant Engineer to carry out those orders ;

(f) whether the execution of those orders resulted in injuries to human lives ;

(g) whether it is a fact that the Executive Engineer in his order described the operation as an experiment ;

(h) whether such "experiments" involving certain danger to life and property are permitted by Government to be made by their officers even after due warning is received of the danger attending them ;

(i) whether the Superintending Engineer, Barrage, and the Chief Engineer, Barrage, were aware of the correspondence which passed between Mr. Woodward and the Executive Engineer and of the former's resignation ;

(j) if so, whether either officer took steps to prevent in time the execution of such "experiments" ;

(k) Will Government be pleased to place on the table of the Council all the correspondence on the subject ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

ACCIDENTS CAUSED BY ORDERS OF THE EXECUTIVE ENGINEER
(MECHANICAL AND POWER HOUSE).

Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state—

(a) whether it is a fact that the Executive Engineer (Mechanical and Power House) on another occasion overloaded a stone crushing engine and tightened its bearings in spite of the repeated warnings on the spot of the Assistant in charge ?

(b) whether this was done in the presence of the present Acting Chief Engineer ?

(c) whether it is a fact that the driving belt gave way on account of the above action of the Executive Engineer ?

(d) whether the Chief Engineer was in danger of being hit by the belt ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

ACCIDENTS CAUSED BY ORDERS OF THE EXECUTIVE ENGINEER
(MECHANICAL AND POWER HOUSE).

Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state—

(a) whether it is a fact that the Executive Engineer (Mechanical and Power House) ordered the unloading of piles by derrick cranes without sufficient counter-weights ?

- (b) whether any injury to lives took place ?
 (c) whether Government or the Chief Engineer, Barrage, has received any written report on those accidents ?
 (d) whether Government have taken any action in the matter ?
 (e) if not, what action Government intend to take in the matter ?

The Honourable Mr. COWASJI JEHangIR: The information has been called for.

Mr. B. G. PAHALAJANI: When is it likely to be received ?

The Honourable Mr. COWASJI JEHangIR: I cannot tell the honourable member that. I will give it as soon as it is received.

IRRIGATION IN KAIRA DISTRICT.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to supply the following information as regards the Kaira district—

- (a) the total number of irrigation tanks in the district;
 (b) the amount spent for repairs of such tanks in the last five years;
 (c) the total amount of himayat charged on the lands of the district;
 (d) what amounts of the himayat have been remitted by Government in the last five years owing to scarcity of water ?

The Honourable Mr. COWASJI JEHangIR: The information has been called for.

CORPORAL PUNISHMENT BY TEACHERS.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

- (a) whether they have received any petitions affecting the working of the rules regarding discipline in Government schools published in Government Notification, Educational Department, No. 1570-A, dated the 4th August 1909;
 (b) if so, do they intend to take any action in this connection ?

The Honourable Mr. B. V. JADHAV: (a) and (b) No.; the question of amending rule 4 of these rules and of issuing a note on the subject of school punishments is, however, under consideration.

MAXIMUM NUMBER OF STUDENTS IN CLASSES.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): (a) Will Government be pleased to place on the Council table a statement showing the total number of students in each class of the recognised secondary schools of Surat, Nadiad, Broach and Ahmedabad on the 15th of April 1924 and 15th of April 1925 ?

(b) Will Government be pleased to state whether they have issued any circular fixing the maximum number of students to be kept in each class to be 40 ? If so, will they be pleased to state if there was any provision made in the Grant-in-aid Code to that effect ?

(c) Will Government be pleased to state the exact number of boys in the matriculation class of the Fort and Proprietary and the Tutorial High Schools, Bombay, in January 1924 and 1925 ?

(d) Will Government be pleased to state whether they intend to grant special concessions to the recognised schools of Ahmedabad as regards the maximum number of students to be kept in each class in view of the higher cost of living prevailing in Ahmedabad, the dearth of proper school-buildings and the abnormal rise in the rate of rents of the existing school-buildings than in other cities of the presidency except Bombay ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

THE INSPECTOR OF DRAWING.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : (i) Will Government be pleased to state the duties assigned to the Inspector of Drawing originally when he joined the present service ? (a) Has there been any change in them since then ? (b) What are his present duties ?

(ii) Will Government be pleased to state what improvements have been made by him from the time he joined till the end of the year 1922-23 ?

The Honourable Mr. B. V. JADHAV : (i) The honourable member is referred to the reply given at this session to a similar question put by the honourable member for Kaira district on 20th July 1925.

(ii) A new school drawing syllabus with explanatory notes has been drawn up and introduced. Colour work and drawing direct from nature and from objects is now taught to all pupils from the lowest class onwards and not only to the boys who are being specially prepared for the Drawing Grade Examinations as was formerly the case. An attempt has been made to link the drawing up more with the lives and customs of the people and with the district in which the school is situated. The pupils in some schools are taken to the local gardens to draw from flowers, etc., and to local buildings to copy ornament, etc.

There have also been improvements in the accommodation provided for Drawing in most schools, as well as in the furniture and equipment used.

An annual examination in drawing is now held in many schools and the marks obtained counted towards promotion. Drawing is now a subject which figures in the regular report sent to the pupils' parents.

There has been a substantial improvement in the pay and prospects of Drawing Teachers and Drawing Masters.

ABOLITION OF BILGI PETHA IN BIJAPUR DISTRICT.

Mr. S. A. SARDESAI (Bijapur District) : (a) Will Government be pleased to state whether it is a fact that the Collector of Bijapur has called for a report whether the mahal office of " Bilgi " can be abolished ?

(b) If so, is the question of the abolition of the petha under the consideration of Government ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) No.

DRY CROP CULTIVATION.

Mr. S. A. SARDESAI (Bijapur District) : (a) Will Government be pleased to state whether it is a fact that Professor Knight of the Poona Agricultural College was sent to America and other countries to study dry crop cultivation of those countries ;

(b) If so, has any report been issued by Government on the results of his deputation ;

(c) If so, will they place it on the Council table ?

The Honourable Mr. A. M. K. DEHLAVI : (a) No.

(b) and (c) Do not arise.

WATER SCARCITY.

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state in how many villages in each taluka of the Satara district scarcity of drinking water was felt by the village people in the last hot season either on account of the want of a public well or a flowing stream ?

The Honourable Mr. B. V. JADHAV : The information is being obtained.

SECONDARY TEACHERS' COLLEGE, BOMBAY.

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state—

(a) the number of stipendiary Government teachers, teachers from recognised institutions receiving Government stipends, and private individuals receiving the same admitted to the Secondary Teachers' College, Bombay, this year ;

(b) how many non-stipendiary teachers from recognised institutions and private individuals were admitted ;

(c) how many applications for stipends of teachers from recognised institutions and private individuals were rejected ;

(d) on what principle was the selection for stipends made in the case of teachers coming from recognised schools and private individuals and what was the proportion of advanced communities to backward ones ?

The Honourable Mr. B. V. JADHAV : The information has been called for.

PRIMARY TEACHERS HOLDING TALUKA CHARGES.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state—

(a) the number of primary teachers in the Ratnagiri district holding the taluka charges ;

(b) how many of them are Mahomedans, non-Brahmins (Hindus) and Brahmins ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

PRIMARY TEACHERS' DRAWING POSTAL ALLOWANCE.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state—

(a) the number of primary teachers in the Ratnagiri district drawing postal allowance ;

(b) how many of them are Mahomedans, non-Brahmins (Hindus) and Brahmins ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

JUDICIAL APPOINTMENTS.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state—

(a) whether the recent appointments to the puisne judgeships of the Bombay High Court involved the supersession of an Indian civilian of over 31 years' standing who was also a member of the Civil Justice Committee ;

(b) If so, what were the reasons which induced Government to set aside Dr. F. X. DeSouza's claims to High Court judgeship ;

(c) whether it is a fact that Dr. DeSouza possesses brilliant academic qualifications and has had long judicial service in heavy first class courts such as Thana, Ahmedabad and Khandesh ;

(d) whether the Chief Justice of the Bombay High Court was consulted in the matter and, if so, whether he declared Dr. DeSouza unfit for appointment to the High Court ;

(e) whether it is a fact that Government have reserved a certain number of appointments for Europeans or European civilians both in the High Court and the Judicial Commissioner's Court of Sind ;

(f) if so, will Government be pleased to state the reasons for such reservation ?

The Honourable Sir MAURICE HAYWARD : (a) It is a fact that Mr. Percival is junior to two Officers in the service of over 31 years' standing of whom Dr. DeSouza had served on the Civil Justice Committee.

(b) & (d) The appointment of Mr. Percival was made in consultation with the Chief Justice. Selection and not mere seniority is the rule for filling posts of Judges of the High Court.

(c) The answer is in the affirmative.

(e) The reply is in the negative.

(f) Does not arise.

Mr. A. N. SURVE : With reference to parts (b) and (d) of the reply, will the Honourable the Leader of the House be pleased to state on what grounds he was considered unsuitable for selection ?

The Honourable Sir MAURICE HAYWARD : Mr. Percival was considered more suitable.

Mr. A. N. Surve : Did the Chief Justice recommend that Dr. DeSouza should not be appointed ?

The Honourable Sir MAURICE HAYWARD : Correspondence with the Chief Justice is confidential and cannot be laid on the table.

Mr. G. I. PATEL : Was not Dr. DeSouza the only District and Sessions Judge selected by the Government of India to serve on the Civil Justice Committee ?

The Honourable Sir MAURICE HAYWARD : I do not think there was any question of selection. Dr. DeSouza was nominated for that purpose, and so were a great many other District Judges nominated for similar purposes in other presidencies.

Mr. G. I. PATEL : But was not Dr. DeSouza the only District and Sessions Judge in this presidency selected by the Government of India for this purpose ?

The Honourable Sir MAURICE HAYWARD : He was the only one in this presidency.

MOULVI RAFI UDDIN AHMAD : Are we to understand that there was no racial question involved in this selection ?

The Honourable Sir MAURICE HAYWARD : None.

Mr. L. B. BHOPATKAR : Sir, I request that I may be permitted to put my questions.

The Honourable the PRESIDENT : The honourable member should make it a point to come in time. He may ask his questions.

NOMINATION TO THE THANA DISTRICT LOCAL BOARD.

Mr. L. B. BHOPATKAR (Poona City) : (a) Will Government be pleased to state whether it is a fact that two Parsis, two Mahomedans and one Christian only were nominated on the Thana District Local Board ?

(b) Is the number allotted by nomination to each community in accordance with its population in the Thana district, or are the nominations regulated according to Government Rules ?

(c) Is it a fact that on account of such nomination there are four Parsis, four Mahomedans and one Christian only on the Thana District Local Board ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Nine members were nominated out of whom 3 are *ex-officio*, 2 Parsis, 2 Mahomedans, 1 Christian and 1 Chamar (Depressed class).

(b) There is no hard and fast rule for nomination of the members who are recommended by the Collector and nominated by the Commissioner.

(c) Excluding the *ex-officio* members there are not 4 Parsis, 4 Mahomedars in the Thana District Local Board but only 3 Parsis, 3 Mahomedans and 1 Christian.

RESIDENTS IN CRIMINAL TRIBES SETTLEMENTS.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state the number according to castes of persons at present residing in Criminal Tribes Settlements?

The Honourable Sir MAURICE HAYWARD: A statement* of the numbers as on the 31st March 1925 is laid on the table.

PASSENGERS BY RACE SPECIALS.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to supply the following information:—

(a) the number of passengers that travelled last year by the third class race specials run by the Great Indian Peninsula Railway Company in connection with the Poona Racing Season;

(b) The gross and net earning of the Company as a result of the running of the third class race specials;

(c) The number of passengers that travelled last year by the first and second class race specials between Bombay and Poona;

(d) The gross and net earnings of the Great Indian Peninsula Railway Company as a result of the running of the first and second class race specials?

The Honourable Sir MAURICE HAYWARD: (a), (b), (c), (d) I am afraid I can't say. The question should be addressed to the Government of India.

EXCISE ADVISORY COMMITTEES.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether they have received from the Commissioner in Sind and the Divisional Commissioners proposals for the reorganisation and improvement of Excise Advisory Committees referred to in paragraph 21 of their Resolution No. 982—24, dated the 12th February 1925?

(b) If so, will they be pleased to lay them on the Council table?

(c) Will they also be pleased to lay their decision with regard thereto on the Council table?

(d) If no decision has been arrived at, will they be pleased to state whether they expect to come to a decision on the subject?

The Honourable Mr. A. M. K. DEHLAVI: (a), (b) and (c) The reports of the Commissioner in Sind and the Commissioner of Excise called for in paragraph 21 of the Resolution referred to have not yet been received.

(d) A decision will be reached in the matter as soon as possible after receipt of the reports.

NUMBER OF CATTLE SLAUGHTERED.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to furnish a statement showing the number of (1) cows,

*Kept in the Secretary's office.

(2) bullocks, (3) bulls, (4) calves, (5) she-buffaloes, (6) he-buffaloes, and (7) buffalo-calves slaughtered in the year 1924 in each of the municipalities of the Presidency ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Information is being obtained.

PASTURE LAND.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) what area of pasture land is available in the Presidency for grazing of cattle, and

(b) whether they are aware that cultivators are obliged to sell off their prime cattle to butchers as the owners cannot bear their expenses till next calving in the absence of grazing lands to feed their cattle ?

(c) What the area of land is on which fodder crops are grown in this Presidency ?

(d) Do Government intend to take steps to encourage the growing of more fodder crops ?

(e) If so, what steps they propose to take in the matter ?

The Honourable Mr. A. M. K. DEHLAVI: (a) Square miles 3,322 for all animals, 9,133 for all animals except browsers.

(b) No.

(c) 2,110,000 acres.

(d) No.

(e) Does not arise.

CATTLE BREEDING.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether they are aware that cattle breeding in the Presidency is in a most neglected condition ;

(b) how many Government breeding centres and breeding bulls there are in the Presidency ; and

(c) whether they are expected to produce any appreciable improvement in the stock of cattle of this Presidency ;

(d) what steps they have taken or intend to take to give effect to the report submitted in 1923 by the committee appointed to consider the question of the maintenance and improvement of the breeds of cattle of the Bombay Presidency ?

The Honourable Mr. A. M. K. DEHLAVI: (a) No.

(b) The attention of the honourable member is invited to the reply to the question* put by him at the meeting of the Council held in July 1924.

(c) Yes.

(d) The attention of the honourable member is invited to the orders contained in Government Resolution No. 3252, dated 5th August 1924 copies of which were supplied to all non-official members of the Council.

WATER FOR THE DEPRESSED CLASSES.

Mr. L. B. BHOPATKAR (Poona City): (i) Will Government be pleased to state—

(a) whether they are aware that the depressed classes in the village of Munde in taluka Karad, district Satara, are required to go to Khodshi a distance of two miles every day for fetching drinking water;

(b) whether Government intend to make some provision for the same in the village of Munde itself;

(ii) (a) Will Government be pleased to say whether they are aware that the depressed classes belonging to Bavdhan, Humgaon, Kalambe, Mahu, Ruighar, Bhivadi, Kudal and the neighbouring villages have not been provided with separate watering places of their own, and are in consequence put to great inconvenience every day;

(b) whether Government intend to do anything in the matter?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

Mr. R. S. NEKALJAY: How long will it take? (No reply).

CROSSING OF THE STREAM IN THE MAHARWADA AT TASGAON.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether they are aware that during the rainy season at Tasgaon the children from Mangwada attending the school often find it impossible to cross the flooded stream and attend the school which is situated on the other side of the stream in the Maharwada?

(b) whether Government propose to take any action in the matter?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

CHAMBHARS' HUTS AT MATHERAN.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether they are aware that the municipal authorities at Matheran have asked the Chambhars there to remove their huts to an open space by the side of the sewage and night-soil depot of the municipality;

(b) whether it is a fact that the municipality have not built any road to the said huts, nor provided lights in the locality;

(c) whether Government propose to take any action in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information is being obtained.

SADASHIV LAXMAN MARATHE.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether it is a fact that one Sadashiv Laxman Marathe, a Nimitandar in the Survey Department, serving in the Satara district, was dismissed from Government service in 1921;

(b) whether it is a fact that in the departmental enquiry made prior to his dismissal under section 33 of the Land Revenue Code, he was not given an opportunity for personal explanation by the Commissioner of Land Records as required by the rules ;

(c) whether it is a fact that the said Marathe petitioned to Government in respect of his dismissal more than once, and whether any reply has been given to the petitions ? If not, why not ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) No.

(c) Many petitions were received. Replies were given to some of them.

Mr. R. G. SOMAN: Is it not a fact that the last memorial to His Excellency the Governor was presented in March and that it has not been yet replied to, so far as the case is concerned ?

The Honourable Mr. LALUBHAI SAMALDAS: One application was received by His Excellency two years back. It has been considered and decided against the man.

CO-OPERATIVE SOCIETIES BILL.

Question again proposed :

That the following proviso be added at the end of sub-clause (a) of clause 24 :

"Provided that a *bona fide* purchaser or transferee for value without notice of the charge herein referred to shall not in any way be affected."

Mr. K. W. BARLEE: Sir, the honourable mover perhaps thinks that this clause was meant to affect a *bona fide* purchaser or transferee for value without notice. But if he will read it carefully, he will see that the *bona fide* purchaser in question is not mentioned anywhere at all. If he comes in in any way, he will simply be affected by the operation of the ordinary law of the land. Under sub-clause (a) the society is to have the first charge on certain moveable property, if such property is purchased by a member from money borrowed from a society. The society, as a charge-holder, will have its rights determined by the ordinary law of the land—the Contract Act or any other laws that are applicable. The effect of the acceptance of this amendment will be that the society would have something less than the rights of the ordinary charge-holder. Government wish to give the society only the rights of an ordinary charge-holder, no more and no less. If, under the ordinary law of the land, an individual charge-holder can follow moveable property which has passed into the hands of a *bona fide* purchaser, then a co-operative society also should have the same rights. I may say here that the honourable mover has not objected to a charge being given over moveable property. That is not an unknown thing. The courts of India have recognised in many cases that persons can hold charges over moveable property. The reason why this clause will be necessary is that there has been a decision of the High Court of Calcutta which has affected prejudicially the interests of co-operative societies. The law as it stands now, that is to say, section 19 of the old Co-operative Societies Act runs thus :

"Subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money

[Mr. K. W. Barlee]

recoverable as rent, a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past member."

The facts of the Calcutta case were somewhat as follows. A member of a co-operative society borrowed money from the society and purchased some moveable property, let us say a pair of oxen. Well, the member got into debt and his creditor sued, obtained a decree and attached the oxen. It appears that the secretary of the society went into court and protested against the attachment and said that the society which he represented had a prior claim under section 19 which said :

"Subject to any prior claim of the Government.....a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past member."

But the High Court held that though the right existed as regards other creditors it did not affect a decree holder. The decision runs thus :

"A decree holder can attach and sell the property covered by this section (i.e., section 19) unless the society also obtains a decree in its favour or holds a charge under section 20."

The honourable mover will notice that under section 20, "a registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member". The Calcutta High Court held that the society only held a lien and not a charge on the property which had been purchased by the member out of the moneys borrowed from the society. I dare say the secretary of the society thought that his society had a moral right to a prior charge on that property, and I think that honourable members will agree that it had a moral claim inasmuch as the oxen had been purchased out of the money advanced by it. But as the law at present stands that right can be taken away by any decree holder. It is to rectify this defect that the section under discussion has been proposed. The only way to rectify the law is to give a first charge to the society on the moveables purchased out of loans made by it. If the honourable mover, who, I believe, is a lawyer, thinks that a *bona fide* purchaser will be affected by this clause, I may assure him that he will be affected not by this clause as it stands, but by the ordinary law of the land. I also suggest for the consideration of this House that if they give a charge at all to the society it is necessary that that charge should be a full one and that the society should be in no worse position than any other charge-holder.

MOULVI RAFI UDDIN AHMAD : May I ask the honourable member to quote the page and number of the Law Reports ?

Mr. K. W. BARLEE : I was reading from the "Law and Principles of Co-operation" and not from the Law Reports. The page and number are not quoted here. I will find them out and let the honourable member know.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Sir, I do not quite understand what the honourable the Legal Remembrancer was making out. Here is a section which says that a particular debt shall be a charge upon a particular property. Of course a charge upon moveable property has not been defined in law : the only definition of

[Mr. G. B. Pradhan]

"charge" is given in the Transfer of Property Act which relates to immovable property. In some cases a charge upon moveable property can be created but that will be a bailment or pledge and the creditor has the possession of the property pledged. Here is a property in the possession of the bailor. If that bailor takes it to the market and I buy it as a *bona fide* purchaser for value without knowing that the particular property is pledged to another person, then, why should I lose my money? I quite understand the Calcutta ruling. It says even if there is a priority for the co-operative credit society they shall not recognise it when there is attachment by another man. The clause as it stands says the order of priority shall be, first Government, then the landlord and the third the society. And so other creditors will be superseded in favour of the society. The proviso is sought to be inserted in order to protect *bona fide* purchasers for value. If the clause is allowed to stand as it is, the first charge being given to the society it will stick to the property. The result will be, that no person will dare to buy anything from any person who has borrowed anything from any co-operative society, and there will be no credit for that borrower in the market. I will not purchase any property from any person, because I am absolutely ignorant whether he has borrowed any money from a co-operative society or whether there is a charge on that property in favour of a co-operative society. So the old section says that if moveable property changes hands and goes into the hands of a *bona fide* purchaser for value then the society will have no priority. You may create a charge but that charge should not affect a third person. The honourable member argued that immovable properties do go into the hands of other purchasers and yet the charge sticks to them. But may I point out that there is registration and registration is a notice to other persons, and a purchaser can easily find out whether the property is burdened, and if the purchaser does not care to find that out, it cannot be said that it is a *bona fide* purchase. So, the proviso that the honourable member Mr. Kambli is bringing forward to amend the bill is absolutely necessary. Otherwise the result will be that all the agriculturists or persons who borrow from the societies will have no credit in the market. If such property changes hands because it is allowed to remain in the hands of the person whom the society is financing I do not see why the rights of the persons who purchase it should be affected by giving a priority to the society. This proviso is absolutely necessary to protect the rights of *bona fide* purchasers to whom the priority should go.

Mr. V. N. JOG (Dharwar District): Sir, I do not understand the position of Government. Yesterday when I moved my amendment Government replied that there was an amendment by the honourable member Mr. Kambli which they would accept. Now I cannot really understand this attitude of Government in opposing this amendment. This is to protect persons who purchase a property without any notice of the lien of the society. I pointed out yesterday that it was in order to avoid the trouble of societies having to go to court that I moved the amendment. Now, the honourable the Legal Remembrancer

[Mr. V. N. Jog]

says that if there is a law of the land the person would be protected by that law. Who is to determine beforehand what is the law of the land? The agriculturist members do not understand what the law is. We are providing here in many cases that the societies are not required to go to law. We are trying to get the disputes settled by arbitration or by the registrar in order to avoid the intricacies of law. Now, even if the principle that *bona fide* purchasers for value with notice must be protected a part from any specific provision was the law of the land, we should not leave it in doubt when we are agitating for a particular subject. If this amendment stood there and it was clearly understood by everybody that if a person buys a property without any notice, he is protected, then only there is a guarantee that the agriculturists would get customers for the crop or produce in their lands, and if this clause is passed as it is, there is no doubt that the people would be sufferers and nobody would come forward to buy the produce. Instead of doing a service to the agriculturists we would be doing a disservice to them. In the interests of the agriculturists and consumers as well, I support the amendment brought forward by my honourable friend Mr. Kambli.

Mr. C. M. SAPTARSHI (Ahmednagar District): Mr. President, I rise to oppose the amendment. It appears, Sir, that the honourable member from Dharwar and the honourable member from Thana have both ignored the words in the clause. It is not *all* the crops upon which the society will have a first charge, but only crops raised in whole or in part with a loan taken from the society by its member. It is not at all difficult for other villagers or purchasers to ascertain which are the particular crops grown or raised by the member out of an advance taken from the society. All other crops are exonerated from the claims of the society. Unless the society is allowed to have such a charge, I submit, Sir, there will be a great difficulty because the society will not be able to recover any of their dues. Again, the amendment of the honourable member Mr. Kambli will give free scope to frauds. For instance, it is quite conceivable that a member who sells his crop to some other person will produce antedated receipts and documents to defeat the demands of the society. If the society goes to him and asks for their dues, he will say "Before your demand I have sold the property to somebody else." For this purpose, I think the amendment of my honourable friend Mr. Kambli would be productive of a good many frauds on the societies. I wish to suggest that "*bona fide*" purchasers ought not to have any place in this bill, as the words in the clause are quite clear that it will affect only such crops as are raised with a loan taken from the society.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Mr. President, I support the amendment. It saves the agriculturists in one way. Clause 24 gives priority to the claims of the society. If the agriculturist borrows some money from the society, his credit elsewhere will be destroyed. Any money lender who knows that a particular man has borrowed something from a co-operative society will never lend him anything. As soon as he comes to know that the man borrows something from a society,

[Mr. J. C. Swaminarayan]

he will have no chance again of getting money from the money-lender. This is a great loss caused by clause 24. Therefore, it is one disadvantage. At the same time, clause 24 makes a first charge even though the agriculturist may have raised crops only in part out of the loan taken from the society and not in whole. He might borrow say Rs. 100 and he might have used the other amount from his own pocket and raised some crop. Then his whole crop becomes liable for the first charge and consequently he will not be able to sell his produce. Therefore, this man loses his credit when he has to obtain proper value for the crops he has raised. Consequently, it is necessary that at least, so far as a *bona fide* purchaser is concerned, he must be protected. He must not be made a double slave of the co-operative society. It may be argued that the first principle of co-operative credit is that the first charge must be that of the co-operative society. In that way a co-operative society may recover its own dues. But they must also consider the condition of the man who comes to them for a loan. He has no credit elsewhere and he would not be able to sell his produce for a proper value and consequently he would lose in that direction also. At the same time, I must mention one point and that is that some of the co-operative societies advance money at exorbitant rates of interest. Generally speaking, the rate of interest charged by many societies is about 9 per cent., and I want to know why some societies should be allowed to charge more than 9 per cent. interest, why they are charging still higher rates of interest. At the same time, another great difficulty which the agriculturist suffers is that as soon as he borrows even a pie from the society, no other man who knows that fact will advance him money. Consequently, it is desirable to have this amendment because the clause will work great hardship, because even if a portion of the crops is raised from the loan taken from the society, he is fully in the clutches of the co-operative society, and even as far as the crops are concerned he would not be able to get rid of them for proper value. Consequently it is desirable to exonerate him in one way by some such saving clause on behalf of a *bona fide* purchaser, and I hope this amendment will be accepted by the Government.

Mr. R. G. SOMAN (Satara District): Sir, I was surprised to hear the argument of my honourable friend from Ahmednagar when he said that the society must have the protection so far as the first charge is concerned. If a *bona fide* purchaser purchases certain goods or movable property in the open market, has he first of all to see whether it is the whole of the crop reaped in a survey number or a part of the crop? He has to see the distinguishing marks on those goods or that property; for that purpose probably a watchman has to be kept by the co-operative society to guard the crops that are raised by the debtors of that society. If such an arrangement is made by the society, then certainly there may be something in it. But there can be no distinguishing marks so far as movable property is concerned, and hence it is but right that the purchasers who come in as *bona fide* purchasers of property should be protected even as against the co-operative societies. A *bona fide* purchaser cannot distinguish in any way the crop raised in a particular field from the crop

[M. R. G. Somai]

raised in another field which has not received the least assistance from the society. So, I submit that the amendment proposed by my honourable friend Mr. Kambli should be accepted by the Government.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I think it will save the time of the House if I stated that I personally see a good deal of reasoning both in the proposed amendment and the arguments placed against it, and therefore I would request you, Sir, to give me a little time till after the tea interval to consider it. I think I might be able to reconsider the whole thing and see if the amendment can be redrafted.

The consideration of the item, by leave, postponed till after the tea interval.

The Honourable Mr. A. M. K. DEHLAVI: Sir, the honourable member Mr. Dev had proposed yesterday that in clause 15 should be added the following sub-clause as sub-clause 3, namely, that in the case of liabilities such amalgamation or transfer be not made without the consent of the creditors. I will now read what has been drafted with the consent of the honourable member Mr. Dev:—

Add proviso to clause 15 to this effect:—

Provided that when any such amalgamation or transfer of assets and liabilities involves the transfer of its liabilities by any society to any other society, it will not be made without giving three months' notice to the creditors of both or all such societies:

Provided further that if a creditor or creditors of all societies concerned objects or object to such amalgamation or transfer of the assets and liabilities and gives or give written notice to that effect to the society or societies concerned one month before the date fixed for such amalgamation or transfer, the amalgamation or transfer shall not be made until the dues of such creditor or creditors have been satisfied.

I think, Sir, this ought to meet all difficulties and I hope the House will accept it.

Mr. S. S. DEV: I am prepared to accept this amendment to my amendment, if the House allows it.

Question put and leave granted. Mr. Dev's amendment, as amended, put and carried.

Clause 15, as amended, ordered to stand part of the bill.

Clause 25 (*Charge and set-off in respect of shares or interest of member*) ordered to stand part of the bill.

Clause 26 (*Shares or interest not liable to attachment*) ordered to stand part of the bill.

Clause 27 (*Transfer of interest on death of member*):—

(1) On the death of a member of a society such society may within a period of one year from the death of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or, if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A society may pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Mr. S. S. DEV (West Khandesh District): Sir, with your permission I desire to make the following amendment in the amendment of which I have already given notice. It makes a slight change and probably will meet with the approval of Government. I would make a change with the permission of the House and the Honourable the President to the following effect:—

After the words "the heir or legal representative of the deceased member", add the words "and whose claim is not disputed by any one".

The whole of my amendment would read then as under:—

"to such person as may appear to the committee to be the heir or legal representative of the deceased member and whose claim is not disputed by any one or to such person who produces a probate or letters of administration or a succession certificate or otherwise satisfies the committee that he is the heir or legal representative of the deceased."

That will, I believe, meet the wishes of all.

Question put and leave granted. Mr. Dev's amendment amended accordingly.

Mr. S. S. DEV: My amendment makes the position clear. In the first instance, when there is no dispute about the heir, then the committee is given the choice of selecting that person as the heir, but in cases where there are two claimants coming forward as heirs to the deceased, I consider it would be very dangerous to leave the decision to the committee. Most of the members of the committee probably or rather invariably would be innocent of law. Only when there would be no dispute, the choice should be left with the committee to accept the person coming forward as the heir, but when there is a dispute and two persons come forward to make the claim, the committee should accept only that person who produces a probate or letters of administration or a succession certificate or otherwise satisfies the committee that he is the heir or legal representative of the deceased member. I hope Government will accept my amendment.

Question proposed.

That in clause 27 (1), after the words "heir or legal representative of the deceased member" add the words "and whose claim is not disputed by any one or to such person who produces a probate or letters of administration or a succession certificate or otherwise satisfies the committee that he is the heir or legal representative of the deceased."

Mr. D. R. PATIL (East Khandesh District): Sir, I oppose the amendment of my honourable friend Mr. Dev from West Khandesh. If we look at the preamble, we can find very easily that co-operative societies are meant for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production, etc., etc. In cases of heirship disputes I do not think that there will crop up very difficult questions. If there are very complicated questions about the heirship, I believe a sufficient safeguard has been laid

[Mr. D. R. Patil]

down by proviso to section 54 of the bill. That proviso reads as follows:—

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society.

So, when there are very complicated questions about heirship, I think these questions will be referred by the registrar to civil courts. When there are simple questions there will be no difficulty to ascertain the heirship. One of the objects of this bill is to save money that would go to civil courts. So I think, my honourable friend from West Khandesh, Mr. Dev will be pleased to withdraw his amendment, because why should we spend money over heirship matters? If we allow the amendment to go through I believe there will be some busy bodies who will create disputes over heirships and put up agriculturists to go to civil courts and to incur costs. In fact there will be very few cases where there will be complicated questions about heirship, and so these matters can be very well decided by the registrar and I therefore do not think that the amendment should be accepted.

Mr. M. D. KARKI (Kanara District): Sir, the honourable member from East Khandesh is mistaken. Clause 54 does not refer to disputes arising under clause 27. It only refers to disputes between the members of the society as regards the business of the society; but this is not the business of the society between members. This clause refers to inquiries to be made as regards heirship in the case of deceased members. Therefore clause 54 is not at all applicable to the present case and so the amendment proposed by the honourable member Mr. Dev is proper and should be accepted by this House.

Mr. S. S. DEV (West Khandesh District): Sir, except the honourable member for East Khandesh none has opposed this amendment; I believe it is acceptable to Government. The honourable member Mr. Patil is mistaken in his reference to clause 54 in this connection because that clause evidently has no application to the present case.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I am sorry I cannot accept this amendment, because it certainly will put poor ignorant agriculturists, who are, as is very aptly said, very innocent of the law, to the necessity of going to civil courts, and rotting there for days and months to get their disputes decided. In the meanwhile the business of the society will be hampered. I think there are two ways to look at the movement. If the movement is to flourish then these legal technicalities must be avoided. And if the attitude be that, I do not suppose an amendment of this nature should be proposed. The clause as it stands is permissive. The words are:

“to such person as may appear to the committee to be the legal heir or representative”.

Being permissive, the society has the discretion to withhold its hand from transferring the interests to any person, and can ask him to go and come with proper credentials. I therefore submit, Sir, that there is more

[Mr. A. M. K. Dehlavi]

danger, more difficulties and complications in accepting the proposed amendment while there is no difficulty at all, as nobody's interests are affected, in accepting the clause as it stands.

Question put and lost.

Mr. L. B. BHOPATKAR (Poona City): Sir, I beg to move

"In clause 27 (2) substitute 'shall' for 'may'".

I feel, Sir, that this amendment is absolutely necessary in order to safeguard the interests of the heir, legal representative or nominee of the deceased person. I have discussed this amendment with the Registrar of Co-operative Societies and I have convinced him of the necessity for making this amendment in the clause. If the amendment proposed by me is not accepted, the result will be that even though the nominee, heir, or legal representative of the deceased member is fixed upon, the society will not be obliged to pay him the sum due to the deceased member. The sub-clause as it stands gives the option to the society. It may give the money to the nominee, heir or legal representative or it may quite unfairly and unrighteously refuse to pay the money to the nominee, or legal representative. There is the further consideration, namely, that in case of any dispute between a member and the society matters cannot be taken to an ordinary civil court. The result will be that there will be a temptation in the way of a society not to pay the money which may be due to the deceased person, and therefore I submit that the change is absolutely necessary and that the original word 'may' which in my opinion more or less is a mistake of drafting should be deleted and the word 'shall' should be substituted.

Mr. J. A. MADAN: Sir, I wish to move an amendment to the amendment proposed. I suggest that the amendment proposed by my honourable friend from Poona may be accepted subject to the proviso that the words "subject to the provisions of section 25, and unless prevented by an order of a competent court" be added after the word "shall" which is proposed to be substituted for the word 'may'. The clause as amended would read as follows:—

"A society shall subject to the provisions of section 25 and unless prevented by an order of a competent court pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member of the Society."

Mr. L. B. BHOPATKAR: Sir, I accept the amendment.

The Honourable the PRESIDENT: Has the honourable member Mr. Bhopatkar the leave of the house to accept the amendment proposed by the Registrar of Co-operative Societies?

Question put and leave granted.

Amendment as amended put to the vote and carried.

Clause 27 as amended ordered to stand part of the bill.

Clause 28 (*Liability of past member*).

The liability of a past member for the debts of a society as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

Mr. L. B. BHOPATKAR (Poona City): Mr. President, my amendment is to this effect:

For the present clauses 28 and 29, substitute the following:

The Honourable the PRESIDENT: The honourable member cannot move it in that form. He must move that for clause 28, the clause which he proposes be substituted, and if that is carried, I will allow him to move that clause 29, when it is reached, be *deleted*.

Mr. L. B. BHOPATKAR: Sir, the amendment which I wish to move is:

For clause 28 substitute the following:

"The estate of a past or deceased member shall be liable for the debts of a society."

Sir, I do not wish to press my amendment if the liability of a past member for the debts of a society is made clear. At first glance, it appears that any money that is due to a society will not be recoverable by that society from a past member after two years. So, if the wording of clause 28 is made more clear, then certainly I do not wish to press my amendment.

Question proposed.

Mr. J. A. MADAN: Sir, the clause refers only to the debts of a society and all the claims of the creditors of the society against it, and not to the debts of a member to the society. The member will be liable for all time to come, and there is nothing to prevent the society from proceeding against the member even if he has left, and in spite of the time which may have elapsed between the date of his leaving the society and the society proceeding against him. If the amendment is accepted as proposed, it would mean that the estate of a past member will be liable for the debts of the society for all time to come. A man may join a society to-day and leave it tomorrow, and yet his estate will be liable for an indefinite length of time. I do not think that is the object which the honourable member has in view.

Mr. L. B. BHOPATKAR: Sir, I ask for leave to withdraw the amendment.

Question put and leave granted.

Clause 28 ordered to stand part of the bill.

Clause 29 (*Liability of the estates of deceased members*) ordered to stand part of the bill.

Clause 30 (*Register of members*) ordered to stand part of the bill.

Clause 31 (*Admissibility of copy of document or entry as evidence*):

(1) A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

(2) In the case of such societies as Government by general or special order may direct, no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1) or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

Mr. J. A. MADAN : Sir, the amendment which I wish to move is :
In clause 31, omit the words " document or " from the marginal note.

In the clause, the select committee have omitted all reference to documents. Therefore, it is necessary to omit that reference in the margin.

Question put and carried.

Clause 31, as amended, ordered to stand part of the bill.

Clause 32 (*Exemption from compulsory registration of instruments relating to shares and debentures of society*) ordered to stand part of the bill.

Clause 33 (*Power to exempt from income-tax, stamp duty, registration and court fees*) :

(1) The Governor General in Council, by notification in the *Gazette of India*, may, in the case of any registered society or class of registered societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.

(2) The Local Government by notification in the *Bombay Government Gazette*, may, in the case of any society or class of societies, remit

(a) the stamp-duty with which, under any law for the time being in force instruments executed by or on behalf of a society or by an officer or member and relating to the business of such society, or any class of such instruments or awards of arbitrator under this Act are respectively chargeable ; and

(b) any fee payable under the law of registration and of court fees for the time being in force.

Mr. J. A. MADAN : Sir, the amendment which I wish to move is :
" In clause 33 (2) (a), substitute ' the ' for ' such ' . "

May I ask for your permission to move another amendment ?

The Honourable the PRESIDENT : If it is a verbal amendment, the honourable member must do it at the third reading.

Mr. J. A. MADAN : My amendment is :

" In clause 33 (2) (a), line 26, after the words ' or awards of ' add the words ' Registrar or ' . "

Question put and leave granted to the honourable member to move the amendment.

The Honourable the PRESIDENT : The honourable member has the permission of the House to move his amendment, but he will have to move it after the first amendment is disposed of.

Question, to substitute the word ' the ' for the word ' such ' in clause 33 (2) (a), put and carried.

Mr. J. A. MADAN : Sir, I beg to move that in line 10 of clause 33 (2) (a), after the words " or awards of " add the words " the Registrar or " .

Question put and carried.

Clause 33, as amended, ordered to stand part of the bill.

Rao Saheb D. P. DESAI (Kaira District) : Mr. President, I beg to move the amendment which stands in my name :

Add the following clause after clause 33 of Co-operative Societies Bill:—

" 33-A. With such safeguards as may be prescribed by rules in this behalf Government may give loans to registered societies or guarantee the payment of interest on debentures issued by such societies. "

[Rao Saheb D. P. Desai]

Sir, in this country, we are led to believe that the co-operative movement is the people's movement, and should be looked upon as the people's movement. I do agree that it should be managed only by the people. In all countries it has been the people's movement, but in all countries this people's movement is backed up by Government, while in this country this people's movement is controlled by Government. The most conservative and orthodox country in the world in this respect, namely, England, has also recently come to the conclusion that State aid is the only source by which Government can encourage agriculture, just as they have been encouraging other industries, and the best way in which Government can encourage agricultural industry is by this method. But for some reason or other many of the Government members thought that it should be allowed to stand on its own legs so far as financial position is concerned. I wonder that when every country has accepted this principle of State aid why our country should not have accepted this principle long ago and only waited till this bill came for amendment before this Council. My only regret is that I cannot make it a legal obligation. This House has power to give a legal right to Government to collect taxes, but unfortunately this House has not the power to create any legal responsibility of such a nature by legislation without the special permission of His Excellency. I should think this House should have the power to create a legal financial liability also. But in the absence of such power, I take only the opportunity granted to me and can say that it should be the declared policy of Government not to fight shy of the co-operative movement but to wholeheartedly take it up so as not to leave any loophole for any Government officer to say that the co-operative movement is a people's movement and Government should have nothing to do with it as regards funds. It is in order to ward off such contingency that I have brought forward this amendment before the House. But as the amendment is going to be accepted by Government I am not going to say anything further. I will request the Honourable Minister to accept the suggestion I have made.

Question proposed.

The Honourable Mr. LALUBHAI SAMALDAS: Sir, the honourable member from Kaira said that Government are merely controlling the co-operative movement and not doing anything to finance it or to give financial assistance to it. I am sorry, Sir, that he as a member of the Co-operative Institute and as one who has been taking interest in the co-operative movement, has forgotten that the Provincial Bank which was started some 14 years back was helped by the Government of Bombay which guaranteed the interest on the debentures of the Provincial Bank. So one of the objects mentioned by the honourable member, namely, guaranteeing of debentures, has all along been kept in view by Government. So the allegation that Government is not helping the co-operative movement financially is not quite accurate. As regards direct financing, my honourable friend will remember that to-day in answer to certain interpellation Government informed the Council how much money

[Mr. Lalubhai Samaldas]

Government had loaned out to the housing societies. So the two kinds of financing which my honourable friend wants, and which he said Government is not doing, namely, the direct financing of societies and the guaranteeing of debentures, Government is doing. Government may be severely criticized for not doing a thing when it does not do it; but I think it is not fair when Government are doing their duty that such allegations should be made.

Mr. L. B. BHOPATKAR (Poona City): Sir, there is a similar amendment standing in my name, not to this clause but to clause 70. My amendment is to come as clause 70A.

The Honourable the PRESIDENT: That is entirely different. It says "Government shall advance to each co-operative bank". How can that be the same as this? The honourable member can bring it forward at the proper time. This amendment is permissive.

MOULVI RAFIUDDIN AHMAD: Sir, I do not know whether Government are prepared to accept it.

The Honourable the PRESIDENT: Government will explain their position.

The Honourable Mr. A. M. K. DEHLAVI: I was going to explain, when the Honourable the Revenue Member got up, as to how far Government had gone, and what they had done for this movement, and to show that the remarks made by my honourable friend from Kaira were unjustifiable. I however accept his amendment, as it is permissive and as Government are already doing all that is aimed at in it. I have no objection to accepting it.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I am very glad that Government have accepted the amendment. But my honourable friend has been making statements about States all over the world, and it was time that he should be reminded about his responsibility.

Rao Saheb D. P. DESAI (Kaira District): Sir, the only reply I have to make is to the criticisms of my honourable friend the Revenue Member. Sir, the three objects for which the movement was started were making long term loans to agriculturists in order to relieve them from indebtedness, improving agriculture by making loans to agriculturists and for current expenses. May I know whether the co-operative movement after so many years of its working has ever relieved the debt of any single individual.....

The Honourable the PRESIDENT: I do not think we need go into all that controversy, as the amendment has been accepted. The honourable member can speak about all that at the third reading.

Rao Saheb D. P. DESAI: May I reply to the honourable member Moulvi Rafuddin Ahmad?

The Honourable the PRESIDENT: Does the honourable member really consider it necessary?

The Honourable Mr. A. M. K. DEHLAVI: Sir, I have a little verbal amendment to suggest to the amendment:

In the amendment proposed, delete "registered" occurring before "societies" and for the words "such societies" substitute "them".

All societies are registered, and it is not necessary to say "registered societies".

The Honourable the PRESIDENT: Does the mover of the amendment accept it?

Rao Saheb D. P. DESAI: I accept it.

Question put and leave granted to amend the amendment.

Question put:

Add the following clause after clause 33 of Co-operative Societies Bill:

"33 A. With such safeguards as may be prescribed by rules in this behalf, Government may give loans to societies or guarantee the payment of interest on debentures issued by them."

and carried.

(After recess).

Mr. S. T. KAMBLI (Dharwar District): Sir, I beg leave to amend my amendment as follows:

Add the following proviso at the end of sub-clause (a) of clause 24:
 "Provided that nothing herein contained shall affect the claims of any *bona fide* purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or work-shops or agricultural or industrial implements; and".

The Honourable the PRESIDENT: Does the House grant leave to the honourable member Mr. Kampli to amend his amendment as read out by him?

Question put and leave granted.

The Honourable Mr. A. M. K. DEHLAVI: I accept the amendment, Sir.

Question put and carried.

Clause 24, as amended, ordered to stand part of the bill.

Clause 34 (*Restrictions on loans*).

(1) Except with the general or special sanction of the Registrar a society shall not make a loan to any person other than a member.

(2) Save with the sanction of the Registrar, a society with unlimited liability shall not lend money on the security of movable property.

(3) Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any society or class of societies.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to move the following amendment:

"Delete sub-clause (3) of clause 34."

I think this provision is quite unnecessary. It empowers Government to prohibit or restrict the lending of money on mortgage of immovable property by any society or class of societies. Not being able to understand the principle which underlies this provision I am moving this amendment. In my opinion, Sir, it will be more to the interest of the

[Mr. P. G. Joshi]

society to lend money on the mortgage of the immovable property. I therefore think this sub-clause should be deleted.

Question proposed.

Rao Bahadur A. U. MALJI: Sir, I oppose the amendment in that in the absence of any such provision as is to be found in this draft bill the money of the society is likely to be locked up in its immovable property. This means that the circulation of capital will be more or less locked up and that way the business of the society is likely to be hampered. Government have to give orders only in special cases and generally only with respect to such societies whose business demands such orders should be issued. This is more or less a safeguard against any wrong investment.

Mr. P. G. JOSHI: I beg leave to withdraw the amendment.

Question put and leave granted.

Clause 34 ordered to stand part of the bill.

Clause 35 (*Restrictions on Borrowing*):—

"A Society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or by the by-laws of such society".

Mr. J. A. MADAN: I wish to move an amendment as under:—

"In line 3 of clause 35, delete the word 'such' occurring before the word 'society' and insert instead the word 'the'."

Question put and carried.

Clause 35, as amended, ordered to stand part of the bill.

Clause 36 (*Restrictions on other transactions with non-members*) ordered to stand part of the bill.

Clause 37 (*Investment of funds*):—

A society may invest or deposit its funds

- (a) in the Government Savings Bank; or
- (b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882; or
- (c) in the shares or on the security of any other society, provided that no such investment shall be made in the shares of any society other than one with limited liability or
- (d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or
- (e) in any other mode permitted by the rules.

Mr. S. S. DEV (West Khandesh District): Sir, I wish to move the following amendment:—

"Make clause 37 as clause 37 (1) and introduce the following as sub-clause (2):—

"(2) Any investments or deposits made before the commencement of this Act which would have been valid if this Act had not been in force are hereby ratified and confirmed."

I take this from our present Act and I fail to see why this has been dropped from the draft bill before us. This provision is still necessary in the face of the change that has been made by Government in clause (c) of the original clause. It originally read as under:—

"(c) in the shares or on the security of any other society".

Government has added to that the proviso "provided that no such investment shall be made in the shares of any society other than one

[Mr. S. S. Dev]

with limited liability. So, hereafter no investments can be made in societies with unlimited liability. So far there must have been investments in societies with unlimited liability and those ought to be validated. Unless there is this provision in this clause or there is provision in the saving clause (clause 72), these investments will be invalidated and for this reason this sub-clause becomes necessary in the bill and ought to be retained.

Question proposed.

Rao Bahadur A. U. MALJI: I do not see what ground the honourable member has to fear because there cannot be any shares in unlimited liability societies and this clause refers merely to investments in shares of any society other than one with limited liability. Therefore the amendment is unnecessary.

Mr. J. A. MADAN: Sir, I rise to oppose this amendment because I think it is unnecessary. The only change between the section of the present Act and the clause is, as pointed out by the honourable member Rao Bahadur Malji, that a proviso has been added in sub-clause (c). I can assure the honourable mover that no society has invested any of its funds in the shares of a society with unlimited liability, and therefore the amendment as proposed is redundant and I request the honourable mover to withdraw it.

Mr. S. S. DEV: I beg leave to withdraw my amendment.

Question put and leave granted.

Clause 37 ordered to stand part of the bill.

Clause 38 (*Restrictions on dividend*):—

No society shall pay a dividend to its members at a rate exceeding 10 per cent.

Mr. L. B. BHOPATKAR (Poona City): Sir, I beg to move an amendment as under:—

“Delete the whole clause 38.”

I do so on the following three grounds. My first ground is that there is hardly any society which is capable of giving ten per cent. dividend on its profits. I have been more or less in close touch for the last two years with 156 societies, and I have come across several societies which have not been able to pay even six per cent. as dividend. The second ground is that I consulted many well-known co-operators in this behalf and all of them have set their faces very decidedly against this clause. The third ground is that I oppose the clause on principle. I can understand a clause where Government restricts the maximum after giving some guarantee about the minimum. But when there is no guarantee about the minimum, I personally consider it to be an assumption of arbitrary power to fix any limit upon the maximum. Any power has got some correlative responsibility; and when the responsibility in regard to the minimum of dividend is not undertaken by Government, Government should not assume the power of fixing the maximum. I hope my amendment will be carried by the House.

Question proposed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I would like to deal with the three grounds put forward by my honourable friend for Poona city for the deletion of this clause. First, his argument is that no statutory limit should be fixed, as at present these societies do not give more than ten per cent., or not even six per cent. dividend. That argument of my honourable friend does not carry conviction. If we remove the limit, or if we do not prescribe any limit, what will be the result ? The result will be that these societies will try to exploit the agriculturists. The very object of this bill will thus be frustrated. The object of this bill is to save agriculturists from the money lenders. Now, if we remove these restrictions in regard to the dividend, I am sure co-operative societies will be tempted, like the ordinary money lenders, to exploit the agriculturists. (An Honourable Member : How ?) These Societies have been advancing money to agriculturists and agriculturists being poor want money very often. Therefore, when there is no limit, these societies are likely to make as much money in this way as possible (Honourable Members : Question).

The Honourable the PRESIDENT : Honourable members will have ample opportunity to reply to the Honourable Minister's arguments.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Then the next argument that was advanced was that the co-operators are against this law. But let me tell honourable members that it is in the interests of the co-operators to oppose this provision, because if this restriction is removed they will gain more. Then, Sir, my honourable friend has not taken into consideration one fact, namely, that this bill does not allow the shares of the co-operators to be attached. That is a great advantage they have. In other companies, the shares of the shareholders are liable to attachment. Therefore, this amendment, if accepted, will paralyse the movement.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support this amendment. If the Honourable Minister for Local Self-government had read the subsequent clause he would have accepted the amendment. In that clause the rights of co-operators are much curtailed. The reserve fund is to be utilised according as the Registrar directs, so what my honourable friend from Poona is afraid of is this that perhaps these accumulations instead of going to the pockets of members or to the societies might go somewhere else. Therefore he is perfectly justified in putting some restriction on that. My honourable friend the Revenue Member controls one big bank which is the Central Co-operative Bank, and that bank is controlling about one crore of rupees and he and other capitalists have got a large capital invested in that bank and that bank is getting more and more capital as the co-operative movement progresses and it is not proper to deprive them of the profits due to this progress. I am therefore against the principle of depriving the capital of its due share and from that point of view I would like that this amendment should be accepted.

The Honourable Mr. LALUBHAI SAMALDAS : Sir, my honourable friend from Kaira has referred to the provincial co-operative bank.

[Mr. Lalubhai Samaldas]

Well, Sir, he ought to know that that bank has got a guarantee for interest on its debentures from the Government of Bombay approved of by the Secretary of State and under that guarantee one of the conditions is that the co-operative bank cannot declare a dividend of more than 6 per cent., and whenever they declare it they share the excess half and half with those societies which borrow from them. And as a result they have not been able to declare more than 7 per cent. till now. The chief reason why not only the provincial co-operative bank but all the co-operative societies should be restricted from declaring very large dividends is that they may not frither away the profits earned to a certain extent on account of the concessions, and they are valuable concessions, from Government. It was suggested yesterday that co-operative societies must have their own funds. The whole movement was based on that principle and if societies were allowed to give away their profits in dividends, then they will not be able to build up reserve fund, and they may have to go to provincial banks or to Government for more money when they need it. That is the chief reason why there has to be some restriction put upon them.

My honourable friend from Poona said that if you put a maximum there ought to be a minimum. That is a principle that one cannot understand. We want to build up our own reserve fund for each society and therefore restriction of maximum has to be there. Whether there may be maximum of 10 or less or more it will be for the House to decide. The committee on co-operation stated that the maximum should not be more than 9. It has been found that it is sometimes difficult to raise share capital if the maximum were fixed at 9 per cent. because value of money has gone up and people will not put in money in shares of district banks, unless they have chance of getting 10 per cent.; that is why the maximum has reached 10 per cent. But there cannot be any liability or responsibility as far as Government is concerned or as far as any other co-operative movement is concerned to say that there shall be a guaranteed minimum. Government has given certain concessions to co-operative societies; they may be district banks or primary societies. It is for those banks to utilise the concessions in such a way as to earn decent profits. It is not as my honourable friend said yesterday a Jewish society. It is merely a movement of co-operation and that is why the restriction is put on dividends.

Mr. S. S. DEV (West Khandesh District): Sir, Government is wrong in one of the two places. Government has either made a mistake in this clause or in having sub-clause (p) of sub-clause (2) of clause 71, which prescribes the conditions under which profits may be distributed to the members of societies and the maximum dividend which can be paid by societies. So if the maximum dividend may be decided upon by Government in framing rules, this clause 38 cannot stand. So either this clause 38 may be deleted in order that it may not be superfluous or sub-clause (p) will have to be deleted. As for the present we are considering clause 38, I think it should be deleted.

Mr. R. G. PRADHAN (Nasik District): Sir, I am in favour of the principle underlying the clause and therefore must oppose the amendment moved by my honourable friend. The main principles underlying the co-operative movement are self-help, and self-sacrifice and in the interest of the movement it is necessary that some restriction should be placed upon the dividend to be paid to members. I do not think it is necessary to dilate upon this point, because the co-operative societies are not intended for the purpose of making any individual profits. It is right that members of these societies should get some dividend. But in the interest of the movement it is not desirable that the rate of dividend to be paid to them should be excessive. An attempt has been made by the honourable member Mr. Dev to show that sub-clause (p) (2), 71 is inconsistent with this clause 38. But there is no such inconsistency at all. What that sub-clause (p) (2), 71 means is that subject to this minimum a co-operative society may fix any rate of dividend which it may think fit. The maximum is fixed, and no society under its by-laws will be allowed to exceed this maximum. I think it is necessary to maintain a maximum limit, and the maximum proposed in the bill is quite reasonable.

Mr. J. A. MADAN: Sir, I rise to oppose the amendment. I shall first deal with the points raised by my honourable friend the member for Poona City. He said he did not know of any society which has been in a position to pay 9 or 10 per cent. dividend. But I can cite several cases where a dividend of 10 per cent. has been paid, and in one or two cases a dividend of 12½ per cent. has been paid. There is one society which is being run poorly indeed and yet which has paid a dividend of 12½ per cent.

As regards the second objection that no such limit for the payment of dividend is necessary, if there is one principle which distinguishes the co-operative movement from the capitalist movement, it is that the amount of dividend or interest on capital must be limited, and all the surplus must go to the persons who contribute towards the making of that profit; in the case of consumers' societies, for instance, for the benefit of the people who buy from that society, and in the case of credit societies to the members who borrow. I will quote one or two extracts from "Calvert's Co-operation in India". My honourable friend must have heard of the great authority on this movement, Mr. Wolff. This is what Mr. Wolff says:

"The co-operative principle is that capital should receive exactly the interest which is usual for it in the market and no more so that a maximum is fixed. There must be only one interest in the bank and that the consumers. . . . Co-operative institutions belie their own character and object in allowing profit beyond the current rate of interest to capital."

There was a committee on co-operation in 1914, of which the Honourable the Revenue Member was a member, and the committee recommended that in all ordinary cases "a maximum limit should be fixed so as to prevent the neglect of co-operation in favour of individual profit." In fact, this is one of the cardinal principles of co-operation.

His third point was that there should be a minimum fixed by Government. As a matter of fact, this maximum here has not been fixed by

[Mr. J. A. Madan]

Government; it is being fixed by this Council. At present, it is true that there is no such limit in the law, but we have fixed it in the rule, and as it is a cardinal principle it has now been brought under the Act itself. This limit exists also in other countries and in other provinces in India. In England, for instance, the rate is fixed at 5 per cent. In other provinces where the rate of interest is much higher the rate is fixed at not more than 10 per cent. In the Punjab it is 10 per cent., Madras 9 per cent. It is not possible to fix a minimum for payment of dividend depends upon profits made.

There is also one other consideration which we ought to take into amount. My honourable friend from Kaira (Rao Saheb Desai) is always asking for Government aid at a low rate of interest. If Government are going to lend money to the co-operative movement at a lower rate of interest, it is not for the benefit of capitalists or shareholders. It is not for the purpose of enabling them to get higher dividends. It is for enabling them to reduce their interest on loans, or enabling them to carry out works of land improvement at a favourable rate of interest. For all these considerations, I think this amendment, being against principle, ought to be rejected by this House.

Mr. L. B. BHOPATKAR (Poona City): Sir, I really fail to see some of the arguments that have been advanced by the honourable gentlemen who opposed my amendment. I do not personally know whether the Honourable Minister in charge of Local Self-government is a member of any co-operative society.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I am.

Mr. L. B. BHOPATKAR: I am very glad that he is. He has advanced the argument that if this clause be deleted, it would be putting a very strong weapon in the hands of some persons to exploit the agriculturists. I really fail to see that. When under the provisions even of the old Act and bye-laws there are so many restrictions, and limitations put upon the advance of monies to an agriculturist and also on the rate of interest that is to be charged to him, I am at a loss to know how the agriculturist can be exploited. Sir, the exploitation of agriculturists is sometimes a very convenient expression to take the House rather on the wrong track.

Then the second objection taken is that inasmuch as some concessions have been given to the societies, the societies should be subjected to some restrictions. An allusion was made to some clauses of the bill. I really fail to perceive any earthly connection between the said clauses and the question at issue. The point of principle has been raised, and it is exactly in regard to that point that I wish to join issue with the Registrar. Personally, I do not consider it to be one of the cardinal principles of co-operation that the maximum should be fixed. If we take account of the experience that we have got of the co-operative movement in India, we find that it is only those persons who take any interest in the co-operative movement that care to join co-operative societies.

[Mr. L. B. Bhopatkar]

It is very rarely that the capitalist or the person who has an eye on the amount of interest on the money that he gives to the co-operative societies that joins co-operative societies. Such persons have got the joint stock banks and other fields wherein to invest their money. When a person puts his money in a co-operative bank or gives an advance to some co-operative society, he is not at all influenced by the fact that he will get a large interest on his money. Then the question naturally arises whether it will be right on our part to fix the maximum, when, as a matter of fact, we find that the maximum rate of interest hardly exceeds, in the majority of cases, 6 or 7 per cent. Of course, there may be some exceptions, but the exceptions prove the rule; and if we leave aside the exceptions, we find that in the vast majority of cases, a society is not able to pay its members even 6 per cent. Then the question comes, where is the necessity of fixing the maximum? I feel that if the maximum is to be fixed, there must be a corresponding responsibility about the minimum. If you fix a maximum, you must guarantee a minimum. I know of some societies in which for 6 years not a single pie was paid to the depositors.

The Honourable Mr. LALUBHAI SAMALDAS: Not to the depositors?

Mr. L. B. BHOPATKAR: Not depositors, but members. In that case, if the maximum is to be fixed under an enactment, certainly there should be some guarantee about the minimum.

An Honourable MEMBER: Even if there be no profit?

Mr. L. B. BHOPATKAR: Then nothing can be given. The fixing of the minimum means that there is something to be distributed. If there is nothing in the hands of the directors, nothing will be distributed.

Then, much is made of another principle, namely, that a very strong reserve fund has got to be built up, so far as this movement is concerned. I agree to some extent with this principle, but I do say that there ought to be a limit to the building up of any reserve. It is not that the reserve fund is to be built quite out of proportion to the share capital of the society, and if you refer to the next clause, namely, clause 39, you will find that ample provision has been made for the building up of such a reserve fund. On all these considerations, Sir, I submit that my amendment for the deletion of the clause should be accepted.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I do not think further arguments are necessary, because the salient and cardinal points which had to be placed in connection with this clause have been placed before the honourable House. But there is one thing which I would like to make clear, if it is not clear still. Government is very often asked and is pressed to give loans to these societies at a low rate of interest. If a maximum is not fixed for the dividend, and if any dividend is to be given to any limit, then there will hardly be any justification to ask Government to give loans at a low rate of interest. That is a very

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important point. It is not a matter of unusual occurrence that Government are called upon to give loans at a low rate of interest, and in fact attempts are every now and then made to request Government to reduce the rate of interest. And as has been pointed out Government have actually reduced their rates of interest, and that has had effect on societies' attempt to induce people to join them. Now, I am sorry to find the honourable mover saying that he does not agree with this cardinal principle of the whole movement, that the dividend should be fixed at as low a rate as it possibly can be fixed. People who have thought a great deal on that movement will give an answer to that and agree with me.

Now, the honourable speaker has pointed out that he has known of instances where no dividend has been paid at all (An honourable member : For some years). Yes, for some years. But there is a remedy for that. If no dividend has been paid in one year, they may have a dividend equalisation fund and thus they can arrange and adjust their dividends to the satisfaction of the members. I therefore submit that the amendment should be rejected and the clause passed as it stands because it is one of the important clauses of the bill.

Question put and lost.

Clause 38 ordered to stand part of the bill.

Clause 39 (*Reserve Fund*).

(1) Every society which does or can derive a profit from its transactions shall maintain a reserve fund.

(2) In the case of a Resource or Producers' society at least $\frac{1}{4}$ th of the net profits of the society each year shall be carried to the reserve fund and in the case of a Consumers' or Housing society at least $\frac{1}{10}$ th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to the provisions of section 37, as Government may by general or special order direct, or may, with the previous sanction of Government, be used in part for some public purpose likely to promote the objects of this Act or for some purposes of provincial or local interest.

Mr. R. G. SOMAN (Satara District) : Sir, I beg to move :

In clause 39, sub-clause (2), line 1, after "society" add "or a General Society".

We find that in clause 39 (2) all kinds of societies are mentioned, resource or producers' society, consumers' or housing society, but not a general society. I think that this society should also be included in this clause and therefore I propose this amendment.

Question proposed.

Mr. J. A. MADAN : Sir, I have an amendment on the same subject as regards the same clause. May I move that amendment ?

The honourable the PRESIDENT : As an amendment to the amendment ? I think if you explain that, the honourable member may withdraw his amendment.

Mr. J. A. MADAN : My amendment is : "Instead of 'a Consumers' or Housing' substitute 'any other'." I think that will serve the honourable member's purpose.

Mr. R. G. SOMAN : I would like to withdraw mine in favour of that.

Question put and leave granted.

Mr. J. A. MADAN : Sir, I beg to move :

In clause 39, sub-clause (2), instead of the words " a Consumers' or Housing " add the words " any other ".

Question put and carried.

Clause 39 as amended ordered to stand part of the bill.

Clause 40 (*Restrictions on distribution of profits*) ordered to stand part of the bill.

Clause 41 (*Provident Fund*) ordered to stand part of the bill.

Clause 42 (*Contribution to charitable purposes*) .

With the sanction of the Registrar and after the payments prescribed by sub-section (2) of section 39 have been made to the reserve fund any society may—

- (a) set aside a sum not exceeding 20 per cent. of its net profits, and
- (b) utilize from time to time the whole of such sum in contributing to any public or co-operative purpose, or to a charitable purpose, as defined in section 2 of the Charitable Endowments Act, 1890.

Mr. R. G. SOMAN (Satara District) : Sir, I beg to move my amendment which runs thus :

In clause 42 delete the words " With the sanction of the Registrar and ".

We find in clause 39 certain provisions made under which with the sanction of Government the society can appropriate the surplus profits or certain money which it may possess for some public purpose likely to promote the objects of this Act or for some purpose of provincial or local interest. Clause 42 is an additional provision. If my amendment is carried, the clause will read thus :

" After the payments prescribed by sub-section (2) of section 39 have been made to the reserve fund any society may

- (a) set aside a sum not exceeding 20 per cent. of its net profits, and. "

If there should be any check on the society before it decides to devote a particular amount to any public or charitable purpose, let it consult any of the non-officials who take interest in co-operation. If that is the desire of Government, it may even be provided that it should do so in consultation with the Central Co-operative Institute or any such non-official body. But here the authority is given to the registrar, and I do not wish to invest the registrar with that authority. He is already given authority section by section. I submit that my amendment should be accepted.

Question proposed.

Mr. J. A. MADAN : Sir, I beg to move an amendment :

For the words " With the sanction of the Registrar " substitute the words " With the approval of the Bombay Central Co-operative Institute ".

The Honourable the PRESIDENT : I want to know whether it is acceptable to the House. Otherwise I may have to consider whether it is really an amendment to this. I should like to know the views of the honourable mover of the amendment.

Mr. R. G. SOMAN : In view of the suggestion made by the honourable the Registrar, I would not like to press mine, and I beg the permission of this House to withdraw my amendment. I would only point out that

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it would not be possible for each and every society to consult the Bombay Central Co-operative Institute.

The Honourable the PRESIDENT : But that is not the issue at present.

Mr. R. G. SOMAN : Then I beg permission to withdraw my amendment.

The Honourable the PRESIDENT : When that amendment is proposed with the consent of the House, the honourable member can make his remarks.

Question put and leave granted.

Mr. J. A. MAJAN : I beg to move the following amendment :

That in clause 42 instead of the words "with the sanction of the Registrar", the following words be inserted :—

"with the approval of the Bombay Central Co-operative Institute".

My object in moving this amendment is only this. Under this Clause we are authorising the societies to devote 20 per cent. of their annual profits to certain charitable objects as defined in the Charitable Endowments Act or to utilise the amount in making contributions to any public or co-operative purposes. Many of these societies sometimes try and use this money for some other purpose and it is very necessary that there should be some sort of a check to see that the money is being utilized in the way which is laid down in the Act. For that purpose it is necessary that some authority should see that this money is properly used, and it is therefore that I suggest that the approval of the Bombay Central Co-operative Institute should be obtained before the money is so utilised.

Question proposed.

Mr. R. G. SOMAN (Satara District) : Sir, I only wish to point out the difficulties which would arise ; namely that there would be correspondence and correspondence between the Central Co-operative Institute and any rural or urban society. Instead of that, if more facility is allowed by inserting the words "or its branches", that would be more convenient. So that is the only suggestion which I drop and which may be considered by the honourable member the Registrar, who has moved this amendment.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am rather surprised at the attitude Government is taking as regards these matters. Unless it indicates a certain weakening of the position of the Government so far as the co-operative societies are concerned, I am not in a position to understand how the Registrar himself is prepared to make a suggestion of such substitution of the words "with the approval of the Bombay Central Co-operative Institute" instead of the words "with the sanction of the Registrar". In regard to moneys belonging to the co-operative societies a certain check is necessary, and up to this time it has been urged that the co-operative societies require considerable check especially as they are in a nascent state. And now we are told that the sanction of the Registrar should be done away with—the sanction of a Registrar who is responsible to the Government, a Registrar who has the

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assistance of the Legal Remembrancer, a Registrar who has all the Government machinery at his command to give him advice as regards the necessity of giving permission or otherwise, is being actually done away with by the Government Registrar himself (Hear, hear), and he to give that power to the Central Co-operative Institute in Bombay? The matter of frittering away the co-operative societies' money—about 20 per cent. as it is provided—is a very serious matter. Money to be given under the Charitable Endowments Act is often a questionable matter, and then the only authority which can check these dispositions—the Registrar—is prepared to give away his authority to the Central Co-operative Institute at Bombay, that is to say, to give the authority of a check by Government to a private institution in Bombay. I have been unable to understand the attitude taken by the Government in this matter of parting with its control and especially in a matter in which that control is absolutely necessary, namely, the frittering away of money for charitable endowments which is often a matter of a question in courts. And I therefore, in spite of Government themselves being the proposer of the amendment, place it before the House whether they are prepared to take with complacency the proposal of the Government of removing the only check upon charitable endowment which the clause as amended by the select committee has given to Government. I leave it to the House, I leave it to Government, whether they are prepared to do away with this check. But it is a matter of extreme regret to me that the Honourable Minister should be the proposer of such a measure.

The Honourable Mr. A. M. K. DEHLAVI: I rise to a point of order Sir. I have not proposed the amendment, nor have I said a word about it so far.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I also rise to support every word of the honourable the Deputy President. In the interests of the societies themselves, I oppose this amendment.

Mr. P. G. JOSHI: The honourable member Mr. Soman has already accepted this amendment, Sir, and he withdrew his amendment in favour of this amendment. Then, if this amendment is not accepted, what will be the position?

The Honourable the PRESIDENT: I should like to remove any misconception that may exist in this connection. The honourable member Mr. Soman withdrew his amendment on the understanding that the Registrar of Co-operative Societies would move that amendment. A member, however influential he may be, or even a Member or Minister of Government, has merely the power of moving an amendment. It is the Honourable House who has got to decide whether they will accept it or not.

Rao Bahadur A. U. MALJI: Sir, I rise to support the amendment which has been moved by the honourable member the Registrar. We have been clamouring, Sir, that all the powers are centered in one person only, namely, the Registrar, and when the Registrar himself comes forward to give away some of his powers we say "we want to check this,

[Rao Bahadur A. U. Malji]

we want the Registrar to have this power " I wonder whether my honourable friends are aware that the legitimate duties of the Bombay Central Co-operative Institute are to carry on propaganda and to help the co-operative societies, and all the societies in the rural and urban areas are members of the Institute. It is very easy to consult the Institute in this matter through its several branches and it will be to the interest of the societies to consult the Institute in this connection.

Mr. J. BAPTISTA: I understand, Sir, the Registrar has moved this amendment. I take it it must have the sanction of the Honourable Minister in charge of the bill. What is the Minister's position in this matter ?

The Honourable the PRESIDENT: The Honourable Minister will tell the House when his turn comes.

Mr. J. BAPTISTA: But the Minister wants to oppose it! Is there no joint responsibility? (Laughter.)

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I support this amendment. We have been complaining, Sir, that the Registrar has got autocratic powers. And now when he himself comes forward to get permission to be shorn of some of his powers, I am surprised that the Honourable the Deputy President gets up from his seat and says "Oh, he should not do it". That is a strange attitude on the part of non-official members.

Mr. J. A. MADAN: Sir, I fail to see why my honourable friend from Sukkur is so very nervous about the power which is sought to be given to the Institute. There seems to be a fear that the societies would be frittering away their resources; but this fear is groundless. All that this amendment enables them to do is to devote 20 per cent. of their annual profits to any charitable or public purpose to which they may wish to contribute. It is only 20 per cent. of their annual profits. Under the section it can be used only for certain purposes and if it is being used for those purposes the Registrar will never withhold his sanction. All that the Registrar has got to see is that not more than 20 per cent. is being used for the purposes for which authority is being given under this section to the societies. If money is being used in this manner, somebody has got to see that it is being used for a public purpose and not for anything else. That is all that is required. The check is very simple. Under the Charitable Endowments Act provision is made for the relief for the poor, for education, medical relief and other purposes of public utility. All that the Act excludes is the utilising of money for religious purposes. The Institute or the Registrar has therefore got to see that this money is not being used for these purposes. There is then no objection to delegating this simple power to the Institute. If it was a question of spending or utilising the ordinary funds of a society—the share capital, deposits or reserve fund—certainly I would say that there should be some check placed on that, but this is only a question of utilising a part of their annual profits for some public purpose and all that we want to do is to

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ensure that the societies use a part of their annual profits only for charitable purposes and not for any other objects.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I suppose the whole House would like to hear what the exact position is as far as Government is concerned. All that the Government would like to be careful about in this respect is that some check must be kept, particularly when the present limit of 7½ per cent. in respect of money to be used for charitable purposes has been raised to 20 per cent. and therefore greater is the necessity that there should be a proper watch and vigilance over the steps that societies may take in this respect. Therein lies the policy of Government. The question as to who should be the watch over it is not so much a matter of policy as a matter of convenience. So, the policy is there, and there I can assure the House that Government has not given up its intention of watching these matters as keenly as they did before. The honourable member from Bombay said that the Honourable Minister for Local Self-Government expressed himself in a way which was opposed to the Registrar and the Minister; and because the Registrar moved this amendment I was expected to be with him. Of course I am with him in the matter of policy. He had already suggested, as I understood him, that he would propose, if the honourable mover of the first amendment would insist on taking away the first two lines, as an alternative amendment that the Institute should be the watch over it as a safeguard, but when the honourable mover of the original amendment withdrew it, I thought he would not propose his alternative amendment at all. He has done it with the best of intentions, knowing that people want to have the management over their affairs in their own hands. As to joint responsibility I can assure my honourable friend from Bombay that there is joint responsibility in the matter of principle and policy; and I feel inclined after all to side with my friend, the Minister for Local Self-Government, and not to accept the amendment of my other honourable colleague. That does not mean that there is any difference between my honourable colleague and myself or that there is any rupture on Government side. As I said the policy lies in keeping a watch over the societies in this respect.

Mr. R. G. PRADHAN: As the Honourable Minister has said that there is joint responsibility, may I enquire whether this particular amendment was considered by all the Ministers together and jointly?

The Honourable the PRESIDENT: That does not arise.

The Honourable Mr. A. M. K. DEHLAVI: That does not arise. The joint responsibility is after all a practical joint responsibility, and that is a foreign matter brought in here, but the joint responsibility in this particular case is there. I join hands with my honourable friend, the Minister for Local Self-Government, and after all consider that, as the original amendment has been withdrawn, it is better, when I see that the House also wishes it, and that the honourable the Deputy President, I suppose, voices the opinion of a great majority of the honourable members on the other side of the House, that the Registrar himself will be the

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best watch and, therefore, I do not accept the amendment of my honourable colleague.

Mr. J. BAPTISTA : When the honourable mover of the original amendment withdrew his amendment on the basis that the honourable member, the Registrar of Co-operative Societies, would move the amendment which he has actually moved, it was moved in the presence of both these Honourable Ministers and therefore that was the time when the Honourable Minister should have opposed the Registrar's amendment. Is it not a point of order, Sir, that the Honourable Minister is only now objecting to the amendment moved by his own subordinate officer?

The Honourable the PRESIDENT : I do not think there is any point of order. With the extensive experience of public life which my honourable friend, Mr. Baptista, has, he must recognise that any honourable member of this House is entitled to move his amendment and that the ultimate decision in regard to that amendment rests with the House itself. All the assurance given by the honourable member, the Registrar, was that he would move this amendment. On that the original amendment was withdrawn. The Registrar has carried out his undertaking and has moved the amendment. In any case I will have to put the two motions before the House, the amendment proposed as against the original clause as it stands in the bill and it will be the privilege of the House to decide which they will accept.

Mr. J. BAPTISTA : The Registrar's, of course.

The Honourable the PRESIDENT : The honourable member cannot speak for the whole House, just as the Registrar cannot do so.

Question put and carried.

Clause 42, as amended, ordered to stand part of the bill.

Clause 43 (*Inquiry by Registrar*) ordered to stand part of the bill.

Clause 44 (*Inspection of books of indebted society*) ordered to stand part of the bill.

Clause 45 (*Costs of Inquiry*) :—

Where an inquiry is held under section 43 or an inspection is made under section 44 the Registrar may apportion the costs, or such part of the costs, as he may think right, between the society, the members or creditor demanding the inquiry or inspection, the officers or former officers, and the members or past members of the society.

Mr. R. G. SOMAN (Satara District) : I beg to move an amendment as follows :—

" In clause 45 delete the words in italics. "

At the end add the following proviso :—

" Provided that the former officers have ceased to be officers or members within one year next before the date on which such enquiry was ordered. "

My object in moving this amendment is that so far as the cost of enquiry goes, it has been the experience sometimes that the enquiring officer saddles officers who were doing some work in the society years before or even the power is given to enquiry officers to saddle ordinary members with the cost of enquiry. Really speaking, the affairs of the society are managed by a managing committee and if the managing

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committee bangles, the ordinary members should not be saddled with the cost of enquiry but the cost should be saddled only on the persons who have mismanaged. Instead of that the power is being given to saddle ordinary members of a society and so also power is being given by the present clause to saddle the officers who may have worked years before in that society. The clause nowhere says that if the mismanagement has taken place during the regime of certain officers, then only those officers will be held responsible for costs of that enquiry, but the enquiry officer is left the liberty to saddle the costs even on the present officers even though they may have joined a day previous to the enquiry. And these powers as left in the hands of the inquiry officers are certainly arbitrary and I think that there should be some restriction; and hence I have proposed the amendment that if the officers cease to be officers or members within one year next before the date on which such inquiry was ordered, then only they should be held responsible. Or otherwise if they had ceased to be in charge long before that date, then they should not be saddled with costs and ordinary members should also be free from this burden which the inquiry officer is authorised to impose on them. So I have proposed my amendment and I submit that it should be accepted.

Question proposed.

The Honourable Mr. B. V. JADHAV : Sir, I rise to oppose this amendment. When the clause is read it will be seen that by it the power is given to the Registrar to apportion the cost and not to the inquiring officer and so this House may rest assured that as a responsible officer the Registrar may be trusted to apportion the cost among persons who have been taking part in the mismanagement of the society. When the question of asking for an inquiry by a private individual arises it is generally found that the affairs of the society have been mismanaged for some years at all events. The mismanagement of a society does not take place in one or two years, but the mismanagement begins and the affairs of the society go from bad to worse, and then ultimately the time comes when an inquiry is demanded and it is held. When it is held it is generally found and many times it is a fact that the responsibility does not lie on the present officers but that it lies on the members who had already left the society two or three years before and therefore if as has been proposed in this amendment the officers who have ceased to have any connection with the society a year or two before should be free from responsibility then it will be almost a premium upon mismanagement. I think therefore the original clause is necessary and it ought to be upheld.

Sometimes it is found that most mischievous members do not come to the front and do not assume any office of responsibility. They do not get themselves elected to the managing committee or they do not seek the office of the secretary or treasurer, but they are very mischievous and they misappropriate the funds of the society and generally make other innocent members to execute documents and so on. In

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this manner they lead the officers to mismanage the affairs and if such mischievous members are found to be at fault it would be perfect justice to saddle the responsibility upon them and to apportion the costs on them. So I think this House will reject this amendment and pass the original clause.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I think if my honourable friend will have a look at the amendment proposed by my honourable friend from West Khandesh he will see that that amendment would satisfy him. The amendment proposed by my honourable friend from West Khandesh is to add the following proviso at the end of clause 45 :—

" Provided that no order for payment of cost shall be made against any person unless opportunity is given to such person of being heard. The Registrar shall record his reasons in support of his order of apportionment."

Now that satisfies all the requirements that the honourable member Mr. Soman has at heart. The Registrar is a responsible person. He has to give his reasons and he has to make his order of apportionment after giving a hearing to the persons concerned. If that is so, I do not know why my honourable friend should move this amendment and I therefore oppose it.

Mr. R. G. SOMAN (Satara District): Sir, I wish to reply to only one argument advanced by the Honourable Minister of Education, and that is the argument that there are some mischievous persons behind who are neither the officers nor active members of any society, and therefore the power should be reserved in the hands of the Registrar to saddle them with the cost of the inquiry. But so far as these mischievous persons are concerned, it is the duty of the auditor to see that the mischief is detected as soon as the audit has taken place. The Honourable Minister of Education says that the mischief does not take place within one year or two or three years but that it takes long time to detect it. Then where is the auditor's audit? If the Government auditor comes and audits the accounts of the society and if he finds that the affairs of a society are mismanaged, it is his duty at once to report to the Registrar and the Registrar may order an inquiry on his own motion. That power is reserved under section 43. Therefore the Registrar may keep a proper watch on the society and may order an inquiry on his own motion at once as soon as the mismanagement is detected on the report of the auditors, but if the auditor does not report it is the slackness of the auditor, and former members or officers should not be taken to task and saddled with cost for the slackness of auditors. The Registrar is at the headquarters and he cannot exactly detect from the report of the enquiry officer or auditor who is the real person at the bottom of the mischief, and so I suppose that his information is only to be second hand based on the report of the enquiry officer and the auditor. He cannot detect the real mischief and there is likely to be some mistake in his apportionment of the cost of the enquiry. I therefore hope my amendment will be accepted.

The Honourable Mr. A. M. K. DEHLAVI : Sir, it does not require much argument. It is only the responsible persons who are liable. Some remark has been made regarding the auditors, and it is said if they audit properly why should there be any such difficulty, or why should any enquiry be held? Well, many a good bank has had efficient audit and yet there have been defalcations. Some ordinary member or past member may be found in the inquiry to have been responsible for the bad conditions of the society, and why should he escape the responsibility simply because he has been a past member? All that is laid down here is that the person who is responsible for the condition discovered will be liable for the cost, and such provision is very necessary. I therefore submit that the amendment should be rejected.

Question put and lost.

Mr. S. S. DEV (West Khandesh District) : Sir, I wish to move the following amendment to clause 45 :

In clause 45, add the following proviso at its end :

" Provided that no order for payment of costs shall be made against any person unless opportunity is given to such person of being heard. The Registrar shall record his reasons in support of his order of apportionment. "

Sir, the ground for the acceptance of this amendment has already been prepared by the discussion on the previous amendment. My object in moving this proviso is twofold. You might see, Sir, that by clause 64 an appeal has been allowed from the order of the Registrar under clause 45. It is, therefore, necessary that all material should be before the authority who hears the appeal to enable him to judge, and I therefore require that the registrar shall record his reasons in support of his order. Secondly I require that the person shall be heard before an order for payment of costs is made against him. If these two precautions are observed, I believe that there will be very few occasions for any appeals being preferred under clause 64 from orders under this clause. Look at this proviso from any standpoint, I think Government would do well to accept it.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I accept this amendment in principle. The only question is what method of procedure should be followed, and how this principle should be drafted, whether it should be in the rules or in the body of the Act. So, if you give me a little time, till to-morrow, it may be possible to draft it in a way which will satisfy the honourable mover.

Question put and leave granted to postpone the consideration of clause till 25th July 1925.

Clause 46 (*Recovery of costs*) ordered to stand part of the bill.

Clause 47 (*Winding up*) :

If the Registrar, after an inquiry has been held under section 43 or after an inspection has been made under section 44 or on receipt of an application made by $\frac{1}{3}$ ths of the members of a society present at a special general meeting, called for the purpose or of his own motion, in the case of societies that have not commenced working, or have ceased working, or possess shares or members' deposits not exceeding Rs. 500, is of opinion that the society ought to be wound up, he may issue an order directing it to be wound up, and when necessary, may appoint a liquidator for the purpose and fix his remuneration.

Mr. J. A. MADAN : Sir, the amendment to clause 47 which I wish to move is as follows :—

“ Substitute ‘ a society ’ instead of ‘ societies ’ in line 4 and make consequential amendments in the clause.”

The Honourable the PRESIDENT : The amendment as proposed by the honourable member is indefinite, and I cannot allow it. He says “ make consequential amendments in the clause.” He must state what consequential amendments he wishes to propose. You cannot have that vague phraseology in legislation. The best procedure would be to put the principal amendment to the House, and if it is carried, then consequential amendments can be proposed.

Mr. J. A. MADAN : Sir, I move :

That the words “ a society ” be substituted for the word “ societies ” in line 4.

Question put and carried.

Mr. J. A. MADAN : Sir, I move :

That in line 4 substitute “ has ” for “ have wherever it occurs, and in line 5 substitute “ possesses ” for “ possess ”.

Question put and carried.

Clause 47 as amended ordered to stand part of the bill.

Mr. S. S. DEV (West Khandesh District) : Mr. President, I beg to move the following amendment :

After clause 47, add the following as clause 47 A :—

47 A. (1) Government may place at the disposal of the liquidator such sum as may be necessary for payment of his remuneration and for other expenses connected with liquidation and may recover such amount as arrears of land revenue from those who under section 50 (i) are liable for costs.

(2) The liquidator shall be entitled to pay his remuneration and other costs of liquidation out of the Society's assets in his hand.

(3) Any financing co-operative bank being the creditor of a society under liquidation may put out of its funds sums required for purposes specified in sub-section (1) and the amount so paid may be recovered as arrears of land revenue from those who under section 50 (i) are liable for costs of liquidation.

My purpose in moving this amendment is this : When a liquidator is appointed, in the first instance, he will have no money in his hands. By the clause that we just passed, clause 47, we have to fix the remuneration of the liquidator. Also by the next clause, clause 50 (e), you give him the power to institute suits and you give him the power to do certain other acts. So, money will be required by him at the outset. I understand also that liquidation proceedings are dilatory. To start his proceedings he will require some money with him. You don't expect him to meet these initial expenses out of his pocket ? It is necessary to make some provision and my amendment makes that provision for his expenses and cost at the start.

MOULVI RAFI UDDIN AHMAD : Sir, I rise to a point of order. An honourable member is reading a newspaper.

The Honourable the PRESIDENT : Order, order, No newspaper reading is allowed.

Question proposed.

Mr. J. A. MADAN : Sir, I rise to oppose the amendment. I do not think it is at all necessary to insert a new clause like this in the bill. In the first place.....

Mr. S. S. DEV : Sir, I beg to withdraw my amendment to spare time.

The Honourable the PRESIDENT : It appears that a mere word from the Registrar in opposing it has had a magical effect.

Question put and leave granted.

Clause 48 ordered to stand part of the bill.

Clause 49 (*Effect of cancellation of registration*) ordered to stand part of the bill.

Clause 50 (*Liquidation procedure*).

A liquidator appointed under section 47 shall have power with the sanction of the Registrar to do all or any of the following things :—

(a) pay any class or classes of creditors in full ;
 (b) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable ;

(c) to compromise all calls or liabilities to calls and debts, and liabilities capable of resulting in debts and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof ;

(d) from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officer, to the assets of the society, such contribution including debts due from such members or persons ;

(e) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office ;

(f) to issue requisitions under section 59 upon the Collector for the recovery as arrears of land revenue of any sum ordered by him to be recovered as dues from members or as a contribution to the assets of the society or to the cost of liquidation ;

Provided that if the sum is more than Rs. 100 it may be recovered in instalments in accordance with rules made in this behalf.

(g) to get disputes referred to arbitration ;

(h) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims, and to pay rateably according to the amount of such debts. The surplus if any being applied in payment of interest from the date of liquidation at a rate not exceeding six per centum per annum ;

(i) to determine by what persons and in what proportion the cost of the liquidation shall be borne ;

(j) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society ;

(k) to fix the time or times within which creditors shall prove their debts or claims or be included for the benefit of any distribution made before those debts are proved ;

(l) to carry on the business of the society so far as may be necessary for the beneficial winding up the same.

Mr. S. S. DEV (West Khandesh District) : Sir, I propose the following amendment :

In clause 50 delete the marginal note " Liquidation procedure " and substitute the words " Powers of liquidator ".

I believe this amendment will be accepted. It is true, Sir, that there is some magical effect in the opposition of Government. For the last two days we have been seeing its terrific effect and we have become nervous of moving our amendments. It is always with some nervousness that we move these amendments. Rightly or wrongly when Government opposes, they carry the point and we feel we are entirely at their mercy. If they accept, we succeed.

The Honourable Mr. A. M. K. DEHLAVI: I accept it, Sir.

Question put and carried.

Mr. S. S. DEV (West Khandesh District): Sir, I beg to move:

In clause 50, delete the words "with the sanction of the Registrar".

This I do not think will be so readily accepted. Clause 50 enumerates the manifold powers given to the liquidator, but with this admonition to him "I give you all these powers, but do not exercise them without asking me." That means that the liquidator is not given any real powers. If Government does not trust in the discretion of the liquidator, and if before he takes any of these steps, whether trifling or important, enumerated in sub-clauses (a) to (l), he has to get the sanction of the registrar, he practically becomes a machine to carry out the wishes of the registrar. Wherever a liquidator be, he has to obtain the sanction of the registrar before he takes any of these steps. Yesterday when a remark was made by one of the honourable members on this side that the bill constitutes the registrar all in all—I believe the actual word used was "an autocrat"—that remark was resented by the opposite benches. It was also stated in reply that in not a single instance in this bill has any new power been given to the registrar. Here I have to point out now that this is a new power given to the registrar under the present bill. Under the Government of India Act II of 1912, I believe, this power is not given. I do not find this reservation of sanction in the corresponding clause of the present India Act. Under section 42 of that Act the liquidator can take any of these steps without the sanction of the registrar. Here is an instance, then, in which new powers are given to the registrar. The registrar pervades, as it were, throughout this bill from clause to clause: you will see him everywhere except from what clauses he voluntarily chooses to disappear and surrender his powers, as in clause 42 of the bill. Except in such clauses, the registrar is all powerful in the whole of this bill. In this world of co-operative societies, not a leaf from the tree can drop without the sanction of the registrar. Will the registrar be pleased to give up this new power?

Question proposed.

Rao Bahadur A. U. MALJI: Sir, I rise to oppose the amendment. A remark was made by the honourable member for Khandesh that these powers of the registrar do not exist under the present Act. I have only to refer him to the rules framed under the present Act. There are rules for the guidance of the liquidator, and substantially all these powers exist in those rules. Secondly, if "with the sanction of the Registrar" is removed, then it is just possible that a situation may arise which it will be difficult to arrest later on. I may point out that if the liquidator incurs some expenses which he ought not to have incurred, and as a matter of fact the money is paid off, the money cannot subsequently be recovered when the registrar discovers that those expenses ought not to have been incurred. Under the Companies Act, whenever a company is taken into liquidation ordinarily the liquidator has to take the sanction of the court. But there is no court in this case, only the registrar. Therefore the consent of the registrar or his sanction has to be obtained.

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The duties which the liquidator has to discharge in terms of the provisions of section 50 are very important.

Mr. R. G. SOMAN (Satara District) : Sir, I rise to oppose the amendment proposed by my friend from West Khandesh.....

Mr. S. S. DEV : Sir, I rise to withdraw the amendment.

The Honourable the PRESIDENT : Order, order. I think this is going a little too far. I will allow no interruption of this kind when an honourable member is addressing the House. Let the honourable member Mr. Soman complete his observations and then the honourable member Mr. Dev can get up and withdraw the amendment.

Mr. R. G. SOMAN : I oppose the amendment proposed by my honourable friend only on the ground that my experience differs from his. So far as the liquidation proceedings that at present generally go on in the mofussil are concerned, I find that they are entrusted to such small officers as auditors and others, who are practically innocent of civil law. If these liquidators are to be entrusted with absolute powers they are liable to commit many more illegalities than perhaps the registrar himself who at present is also innocent of civil law. But so far as the registrar is concerned he is a much higher officer, and a much more responsible officer, and therefore his sanction at least is necessary in the case of liquidation proceedings, wherein the liquidator is likely to go wrong many a time. Hence I oppose the amendment of my learned friend.

Mr. S. S. DEV : Sir, opposition I expect from the opposite benches, but when there is opposition from behind and from all sides, I think there is no use pressing this amendment. I may therefore be allowed to withdraw the amendment.

Question put and leave granted.

Mr. J. A. MADAN : I beg to move, Sir :

In clause 50 (f) omit the proviso :

"provided that if the sum is more than Rs. 100 it may be recovered in instalments in accordance with rules made in this behalf".

This proviso was added in the select committee after a keen contest by a majority of one vote only. I would like the House to remember that the relationship between a society and its members is not the same as that between a moneylender and his debtor. The clause can be justified on the ground that because in certain cases in Civil Courts repayment by instalments is allowed, in the case of a loan due to a moneylender in the case of liquidation proceedings of a co-operative society the Liquidator should also grant the concession of repayment by instalments. There is also another thing to remember, that most of the societies go into liquidation because a good many members default for a considerable number of years. Because many of the members commit default for a considerable number of years, and are not paying their dues at the proper time, the society goes into liquidation. Therefore to allow a Liquidator a further discretion to fix instalments is to encourage default. If these people who have been defaulting for a

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considerable number of years are not to be made to pay their dues at once, that would mean that other people in the surrounding villages would not mind committing default and will not be paying their dues knowing that if the societies go into liquidation they will not be called on to pay their dues all at once. See also how the interests of the banks and other creditors who advance money to these societies will suffer. They do not receive their instalments in time, while the society is in existence and after liquidation they are told that they cannot get their dues for some years, because the Liquidator has got the power to effect payment in instalments, and not to recover the money at once. If the banks and other creditors find themselves in this position, what will be the indirect result? In the first place, societies not working well will not get money from banks and other large creditors. Although there might be room for the society's improvement, the banks would not give advance. They would say: The society is not doing well at present, it might go worse, and it may be cancelled. In that case recovery by instalments will be allowed, and the liquidation proceedings will drag on for years. The Committee on Co-operation has remarked that because of the time taken by the present liquidation proceedings several registrars are not willing to take societies into liquidation, because such proceedings may be very protracted. Banks and creditors would therefore not be prepared to advance the money or charge higher interest for the extra risk involved. For all these reasons, I hope that this amendment will be accepted by this House.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I oppose the amendment. It was after due consideration and much thought that the select committee has arrived at this proviso; in fact, the consideration that led the select committee to have this proviso was that generally the agriculturists themselves and almost all the co-operators practically in rural areas and urban areas are very, very poor, and to recover the dues from them to the society by the process employed for recovery of arrears of land revenue, which is a very bad process, is really very hard. On that consideration alone the select committee thought that it would be really a very bad thing to recover the dues from these members by such process as is used for the recovery of land revenue. That is the process of recovering at once the whole amount, by getting hold of the agriculturist's cattle, his grain, and such other things. It would be a difficult and hard thing, and so the select committee thought it advisable to provide that whenever the sum exceeds Rs. 100 it should be recovered by instalments.

Mr. L. B. BHOPATKAR (Poona City): Sir, I rise to oppose the amendment. I think that the honourable member, the Registrar has overlooked one word in the proviso, and that is the word "may". It reads.

"provided that if the sum is more than Rs. 100 it may be recovered in instalments in accordance with rules made in this behalf".

[Mr. L. B. Bhopalkar]

The proviso gives only an option to the liquidator either to grant the instalments or not to grant them. It was a subject of considerable debate in the select committee and after mature consideration the select committee held that such a power should be granted to the liquidator. And I also say, on the principle which was stated by the honourable member, the Registrar, he should not press his amendment; because if the co-operative principle is to be accepted, it is not fair that immediately after liquidation it should be set at naught. I mean to say that if every sort of concession is to be given to a member of a society before liquidation, it is not right to say that because the society is brought into liquidation no concession should be given to that member. Furthermore, there may be several cases in which it may be impossible to recover the sum if it is a large one; but we may find—as we often do find—that if a concession of instalments is granted, the person is in a position eventually to repay the whole sum. It is no use attaching his property and selling it off, because often times it may happen that the expenses required for the process and other matters will not be sufficient to cover the amount due. On these grounds, it is extremely desirable to have this discretionary power to the liquidator, because it will save the property of many a person who may not be in a position to pay the dues at once but who may be in a position to pay it off in instalments.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the amendment. The whole machinery of Government is placed at the disposal of the Co-operative Department for the purpose of recovering dues. The liquidator can ask the Collector of the district for the purpose of putting into motion all the machinery that he has got at his disposal for recovering the dues as arrears of land revenue. Now, when the Revenue Department authorities are making recovery of arrears of land revenue when there has been a failure of crops, we know how hard they are to the cultivators. Consequently this provision is very necessary. On the one hand, you give the facility to the liquidator of the assistance of the most efficient department of Government, the Revenue Department (Hear, hear), which is most efficient in getting money; at the same time if you do not like even such discretionary power to be given to the liquidator, then the agriculturists, I think, instead of blessing will curse the day on which they became members of the society. Consequently, while on the one hand you get the assistance of the Revenue Department, you must give some discretion to the liquidator, so that it may not be very hard upon the agriculturists. This whole Act is intended to help the agriculturists; it should not be a curse to them. Consequently, this little boon which has been given to them by the select committee should not be taken away by the honourable member the Registrar.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, I rise to oppose the amendment. In the first place I am not able to understand the fears which have been expressed by the honourable member the Registrar. The powers are to be exercised by

[Mr. G. B. Pradhan]

the liquidator with the sanction of the Registrar. Supposing the liquidator wants to grant instalments in cases in which the Registrar thinks the concession of instalments should not be granted, then the Registrar can reject the proposal and no concession of instalments need be given. Then, again, the spirit of the Deccan Agriculturists' Relief Act is that, if there is an agriculturist and if a decree is passed against him, it is but right to allow that decreed amount to be paid in instalments. If that is so, under the ordinary law if the agriculturist is not a member of any society, then he should not be put in a worse position than the one in which he would otherwise have been, after he becomes a member of such society. By being a member of the society he ought not to be deprived of those advantages which he would have if the creditor had been some other person or persons than the society. I quite understand that often times the liquidation proceedings are taken only when there are too many defaulters, and the money is not forthcoming. But that need not necessitate the removal of this proviso, which is merely a discretionary one and is also subject to the sanction or approval of the Registrar.

Rao Bahadur A. U. MALJI: I support the Registrar in this. The amendment was accepted in the select committee but only with one bare majority and a similar amendment in the case of arbitration was unanimously rejected. In the case of liquidated societies, the question is, how far such societies should drag on. In the absence of this proviso it is quite open to the Registrar in the case of a bad season to postpone recovery, but the presence of this proviso would more or less encourage a defaulting member to drag on in point of payments. A liquidation is the last recourse available in cases where members do not pay up even after repeated reminders which may extend over some years. This is the last stage which is reached and even after that last stage is reached, if time is to be given to the member to pay instalments, one does not know when the liquidation is really going to end.

Mr. S. K. BOLE: Sir, I rise to support the amendment. I think in the interests of co-operative societies, this amendment is quite necessary. Care should be taken to recover debts from defaulters. The society is a co-operative society and not a Marwadi or a Pathan money-lender's shop. If this amendment is not provided, then the co-operative society may be converted into a money-lender's shop and in order to avoid that and in order to put a check on defaulters, this proviso is necessary. With these words I support the amendment.

Mr. J. A. MADAN: Sir, the honourable member for Poona urges that certain concessions should be given to members of co-operative societies even after liquidation. As I pointed out in my opening speech, a society goes into liquidation because members are defaulting for years. Is it right or fair that these members, who have been working against the interests of their own society and through mismanagement have sent it into liquidation, should get such concessions?

The second point is the same which I referred to in my first speech namely that liquidation proceedings will be dragged on for years, as

[Mr. J. A. Madan]

they would be if this proviso were accepted. If this proviso were accepted, the moral effect on the surrounding societies would be very bad and the interests of banks and creditors and, indirectly, of societies that have advanced money will suffer.

There is also one more point the House might well remember. Most of these societies are unlimited liability societies. It has been found in some cases that when liquidation proceedings have gone on for years, members transfer their property to others and it becomes a very difficult matter to recover the money. If defaulters transfer their property, where is the money to be recovered from? If money is not recovered from them it will have to be paid by the other members of the society.

I think for these reasons the amendment should be accepted.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I have nothing to add.

Question put. House divided.

Ayes 53 : Noes 30. Amendment carried.

Division No. 8

Ayes.

ABDUL LATIF HAJI HAJBAT KHAN, Mr.
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHUBORI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAIKH
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Sahib KARIMBAKSH
JERANQIB, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.
KAY, Mr. J. A.

KHURRO, Mr. M. S.
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MADAN, Mr. J. A.
MALJI, Rao Bahadur A. U.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUJUMDAR, Sardar G. N.
MUKHI JETHANAND PRITAMDAS
NEKALJAY, Mr. R. S.
NOOB MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATHAN, Khan Bahadur JAN MAHOMED
KHAN
PETCH, Mr. F. W.
SARDESAL, Mr. S. A.
SAYED GHULAM NABI SHAH
SAYED MUHAMMAD KAMIL SHAH
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
THAKOR of Amrod, the
THAKOR of Kerpada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WILES, Mr. G.
Woods, Mr. E. E.

Tellers for the Ayes : Rao Bahadur A. U. MALJI and Mr. S. K. BOLE.

Noes.

ABDULFURKAR, Mr. N. A.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
DESAL, Rao Sahib D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.

JAYAKAR, Mr. M. R.
JOSHI, Mr. P. G.
LALJI NARANJI, Mr.
MAVALANKAR, Mr. G. K.
MENTA, Dr. M. M.
MUKADAM, Mr. W. S.
NARIKLVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PATIL, Mr. D. N.

Nees—contd.

PATEL, Mr. G. I.
 POWAN, Mr. M. B.
 PRADHAN, Mr. G. B.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.

SAPTARSHI, Mr. C. M.
 SHINDE, Mr. R. D.
 SOMAN, Mr. R. G.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 VELKAR, Dr. M. B.

Tellers for the Nees : Rao Saheb D. P. DESAI and Mr. L. B. BHOPATKAR.

Mr. J. A. MADAN: Sir, I beg to move the following amendment:—

"In clause 50 (b) omit the words in italics 'and to pay rateably according to the amount of such debts. The surplus if any being applied in payment of interest from the date of liquidation at a rate not exceeding six per centum per annum'."

Sir, I support my amendment on the ground that every co-operative society ought to be fair towards its creditors and if it has got assets it ought to pay not only the principal borrowed from it but ought also to pay interest at the rate settled with the creditors. The clause as it stands provides that from the date of liquidation the creditors should be paid at a rate not exceeding 6 per centum per annum. They may be paid one per cent., 2 per cent. or more. I think that so long as there are assets the creditors ought to be paid from those assets with interest at the rate at which the creditors contracted to lend the money. This clause which I propose to delete has been taken from the Insolvency Act. But so long as the society has assets to meet its liabilities it cannot be called insolvent. In the case of an unlimited liability society all the assets of all the members are security for the society's debts. In the case of a limited liability society the share capital and reserve fund are there. It should therefore pay out of those assets so long as possible to the central bank as well as to other creditors at the rate of interest at which they contracted to lend the money. The effect of the clause as it stands will be that creditors will be disinclined to advance money to the societies if they know that they will not get their principal back and interest at the rate at which they had lent the money.

I understand from my honourable friend to my right (Rao Bahadur Malji) that he wishes to propose a certain amendment which probably will be an improvement over the amendment I have proposed just now and so I shall not say anything more at this stage.

Question proposed.

Rao Bahadur A. U. MALJI: Sir, I beg to move an amendment to the amendment proposed by my honourable friend Mr. Madan.

"In clause 50 (b) delete the words 'not exceeding six per centum per annum' and insert instead the following:—

'to be fixed by the Registrar and not exceeding the contract rate'."

The reason why I am trying to press this amendment before the House is that if we delete the whole provision altogether as suggested perhaps the remedy will be worse than the disease. I am aware that provision of rate of interest not exceeding six per cent. was not enough for the requirements of financing institutions such as the provincial and district banks, because money is being lent at a lesser rate of interest not exceeding 8 per cent. In these circumstances it is necessary that in the case of surplus only running interest should be allowed till the

[Rao Bahadur A. U. Malji]

date of payment at a rate not exceeding the contract rate. It may be that there may be surplus, and so, that rate should be accepted. With these few words I move my amendment.

Question proposed.

The Honourable the PRESIDENT: Both the amendments are now before the House.

Mr. J. A. MADAN: Sir, I beg leave to withdraw my amendment in favour of the amendment proposed by my honourable friend Rao Bahadur Malji.

Question put and leave granted.

Amendment put and carried.

Mr. J. A. MADAN: Sir, I beg to move:

In clause 50 (k) instead of "debts or claims" substitute "debts and claims"; and add "or claims" in the last line after the word "debts".

It is purely a verbal amendment.

Question put and carried.

Mr. R. G. SOMAN (Satara District): Sir, before I move my amendment I should like to point out that there is a mistake appearing in the copy circulated to honourable members. I believe in the copy which you have, it appears correctly. My amendment is as follows:

In clause 50, add the following proviso at the end:

"Provided that no liquidator shall determine the contribution, debt or dues to be recovered from a past member or the representatives of a deceased member unless opportunity has been given to such past member or to such representative to answer the claim".

Every honourable member of this House will see that the powers of the liquidator are that of an autocrat, if that word can be applied to any one. So far as the liquidator is concerned, he has to determine as to who is to pay any contribution to the assets of that society, and this power in the hands of the liquidator if left unlimited will work a hardship on certain members of a society which goes into liquidation. I know of instances in which a past member, who had left the management of the society some years before liquidation, was saddled with a substantial amount as contribution to be paid to the assets of that society, and that proceeding of the liquidator, I know, is at present the subject matter of a suit in a law court. So, if this little experience of mine is taken into account, then it is clear that the powers of the liquidator should not be left unlimited; at least, the person to be saddled with the amount of contribution, costs or dues should be given an opportunity to be heard before any final order is passed by the liquidator. I am not satisfied with this part of the clause, because I want even more restrictions to be placed on the powers of a liquidator, and there are subsequent amendments in my name to that effect. However, so far as this clause is concerned, I propose this amendment in order to have some check on the action of the liquidator.

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I accept the amendment.

Question put and carried.

Clause 50 as amended ordered to stand part of the bill.

Clause 51 (*Bar of suit in winding up and dissolution matters*) :

Save in so far as is expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act and when a winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

Mr. R. G. SOMAN (Satara District) : Mr. President, the amendment which I wish to move is as follows :

In clause 51 in line 4 delete the words " or be proceeded with ".

Sir, in this clause it is stated that suits that have been instituted before this Act comes into force will not even be proceeded with after this Act comes into force, in a court of law, and hence I have proposed that the words " or be proceeded with " be deleted from this clause.

Question proposed.

Rao Bahadur A. U. MALJI : Sir, I oppose the amendment. The co-operative law, as stated by the Honourable Minister when introducing the bill, has to be more or less placed *pari passu* with the provisions of the Indian Companies Act, and under the Companies' law it is always understood, and the provision there is quite clear, that all further proceedings have to be stayed. After liquidation, it is the liquidator only who can deal with the matter. It is our policy that litigation in a court has to be discouraged right through. If, therefore, we keep this loophole open, the matter will be taken to court and the liquidation proceedings hampered in consequence.

Mr. R. G. SOMAN (Satara District) : Sir, as I find that any order which is passed under the previous Act is now sought to be legalised under this Act, I think it is unsafe not to delete the words I have suggested from this clause. I find that it would be a check even on the jurisdiction of a civil court, to which I really object, and hence I hope that the House will accept my amendment.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I have nothing to say in reply.

Question put and lost.

Mr. R. G. SOMAN (Satara District) : Sir, the next amendment which I wish to move is as follows :

In clause 51, add the following proviso to the clause :

" Provided that any person aggrieved by an order of the liquidator in respect of contribution under sub-clause (d) may institute a suit to get the extent of his liability determined in a civil court against such liquidator within a period of six months from the date of such order."

Sir, clause 51 says that save in so far as is expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act. It means that no civil court has been left any jurisdiction to try any matter connected with the winding up of a society. As I have explained, when moving my previous amendment, we shall find that so far as the liquidators in

[Mr. R. G. Soman]

the members are concerned, they are innocent of the knowledge of civil law, and they have in some cases at least so far as I know even passed orders against the provisions of the then existing law. If those orders cannot be challenged in a civil court, I submit that it would be taking away a right which inherently exists in every subject, and particularly so in a member of a society who is saddled at times with large amounts of contribution to the assets of a society. I only wish that after liquidation, if any order of the liquidator is found to be illegal in the matter of determining the contribution or dues or costs, then the man affected should be left at liberty to have recourse to a civil court and to institute a suit against the liquidator to have the order set aside. Hence I submit that this right of the person to be affected should not be taken away by a legislation however beneficial it may be for the society in general. So, I hope the Honourable Minister will be pleased to accept the amendment.

Question proposed.

Rao Bahadur A. U. MALJI: On a point of information, Sir. There is no sub-clause (d) in clause 51.

Mr. R. G. SOMAN: There appears to be an error, Sir. It ought to be "Provided in respect of contribution under sub-clause (d) of clause 50"

I beg leave to amend my amendment to that effect.

Question put and leave granted.

The Honourable the PRESIDENT: The amendment now before the House is:

To clause 51, add the following proviso:

"Provided that any person aggrieved by an order of the liquidator in respect of contribution under sub-clause (d) of clause 50 may institute a suit to get the extent of his liability determined in a civil court against such liquidator within a period of six months from the date of such order."

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, there is also one further difficulty which the honourable mover has not explained to the House. I find that under clause 64 of the bill there is an appeal to Government against a decision or order of the registrar. Clause 64 runs:

"An appeal against an order or decision of or sanction by the Registrar under section 10, 16, 45, 47, 50 or 54 may be made by any party aggrieved or affected by the order or decision to Government within two months from the date of the communication of the order."

There section 50 is mentioned. I want to know from the honourable mover whether he wishes the appeal to a court he provides for to be over and above the order to be passed by Government under section 64, or whether he means a concurrent jurisdiction. I also want to know whether he proposes any limitation of time. The mover of the amendment has not made that clear.

Rao Bahadur A. U. MALJI: Sir, I oppose the amendment, firstly on the ground that there is already a provision for an appeal made in clause 64, and secondly we are against driving people to the court. What we really want is that litigation should be avoided. Now, the honourable

[Rao Bahadur A. U. Malji]

member Mr. Bhopatkar has given notice of an amendment providing for a board of appeal. Whether that will be accepted or not is a point on which this House cannot be addressed at this stage. I may only point out that if the suggested suit is allowed there will be endless delay and litigation which it is not desirable to have.

Mr. S. K. BOLE : Sir, I rise to oppose the amendment. I think the society will not be benefitted by this amendment, but the pleaders no doubt will be. At any rate they will get their fees. They do not care for the benefit of their clients or that of the societies. I am not going to say that in regard to all the pleaders. I submit that litigation should be discouraged. I think people are ruined by drink as well as by litigation. And there are some pleaders who encourage such sort of litigation, and at least in the co-operative societies such sort of litigation should be discouraged. I therefore oppose the amendment.

Mr. C. M. SAPTARSHI : Sir, the honourable member said that the pleaders do not care for their clients. I do not think it is fair to make this allegation against the whole class of pleaders. I request the honourable member to withdraw that statement.

The Honourable the PRESIDENT : He did not apply it to the whole class. He qualified it. He did say "some".

Mr. S. K. BOLE : I did say "some". If you want instances, I shall quote.

Mr. C. M. SAPTARSHI : Sir, the honourable member is still persisting.

The Honourable the PRESIDENT : He said "some" pleaders. He did not apply it to the whole class.

Mr. R. G. SOMAN (Satara District) : Sir, it was really necessary for me in my opening remarks to explain as to whether I wanted both the remedies open to the person affected. I certainly think that the remedy of an appeal to Government would not redress grievances in all cases. As I said sometime before, the liquidator is innocent of civil law, and the registrar is also innocent of civil law to a certain extent, unless we get more competent registrars who know civil law equally as revenue law and every other law. If these appeals are to be decided only in the court of the registrar, I submit that the grievances of an aggrieved person are not likely to be redressed. Hence, I submit that both the remedies should be open. The fear was expressed by my honourable friend from Thana that proceedings would be delayed. (Mr. G. B. Pradhan : I said the time limit should be stated.) I think Rao Bahadur Malji expressed that fear. I have taken care to insert in my amendment "within six months from the date of such order". So, I have tried to curtail the time of filing suits as much as possible. If the Honourable Minister wants to curtail the period still further, I have no objection. But so far as the right of the person aggrieved is concerned, he should have the right to go to the civil court, where the liabilities will be determined after hearing both the sides and redress will be given. Even the acts of Government are liable to be set

[Mr. R. G. Soman]

aside by a civil court, and the right to file suits against Government is allowed to persons. Why not allow the same right to a person aggrieved by an order of an ordinary liquidator? So, I submit that my amendment should be accepted by this House.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I strongly oppose the proposed amendment, because any attempt to drag the affairs of the co-operative societies to the civil courts should be discouraged. That is one reason. Secondly, there is already in the present bill, as pointed out by the honourable member from Thana, an appeal provided for to the registrar and to the Government, and the honourable mover should have no want of confidence as far as the appeal to Government is concerned. If appeals to courts are allowed, the reserve fund would evaporate very easily. That is a matter which this honourable House has to see to with concern. Then, Sir, the cost of litigation would certainly be considerable, and there will be delay as was pointed out by the honourable member Rao Bahadur Malji. I therefore submit that this amendment is very wrongly placed and should be thrown out. Question put and lost.

The Honourable the PRESIDENT: The Council will adjourn till 2 p.m on Saturday, the 25th July 1925.

Saturday, the 25th July 1925.

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Saturday, the 25th July 1925, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ABERCROMBIE, Mr. J. R.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDBEKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAL, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI ABDULLA HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI

JOG, Mr. V. N.
 JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KAMBELI, Mr. S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHHO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSAINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MADAN, Mr. J. A.
 MALJI, Rao Bahadur A. U.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED MUHAMMAD KAMIL SHAH

SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
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 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

(Consideration of Bill No. XIV of 1924—Co-operative Societies
 Bill—resumed.)

The Honourable Mr. A. M. K. DEHLAVI : Sir, we had left over the consideration of an amendment moved by my honourable friend Mr. Dev to clause 45, and I have, with your permission, Sir, redrafted the amendment as follows. The amendment as redrafted is this :—

In clause 45, add the following at the end :

“ Provided that

(a) no order of apportionment of the costs shall be made under this section unless the society or persons liable to pay the costs thereunder has or have been heard or has or have had a reasonable opportunity of being heard ;

(b) the Registrar shall state in writing under his own hand the grounds on which the costs are apportioned.”

The Honourable the PRESIDENT : The procedure usually followed is that the honourable member (Mr. Dev) should ask the permission of the House to amend his amendment in accordance with what has been read out by the Honourable Minister.

Mr. S. S. DEV (West Khandesh District) : Sir, I ask the permission of the honourable House to allow me to amend my amendment in the manner read out by the Honourable Minister.

Question put and leave granted.

Amendment put and carried.

Clause 45 as amended ordered to stand part of the bill.

Clause 51 (*Bar of suit in winding up and dissolution matters*) ordered to stand part of the bill.

Mr. S. S. DEV (West Khandesh District) : I beg to move the following amendment, Sir :

“ Retain the original clause 52 which has been dropped by the select committee and give it its proper number in the order of clauses.”

I invite the attention of the honourable House to the original clause 52 which has been dropped by the select committee.

I am surprised why this clause, which is certainly not a penal clause,

The Honourable the PRESIDENT: Will the honourable member kindly read his amendment?

Mr. S. S. DEV: I beg to move:

"That the following clause be inserted between clauses 50 and 51 and be numbered 50A:—

50A. (1) Where, in the course of the winding up of a society it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the managing committee or officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

(2) This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible."

So, the House will note that this is not a penal clause, and I am really surprised why this clause has been dropped on the recommendation of the select committee. If, while a society is under liquidation, it appears that any person connected with the society in any capacity has misapplied or retained any money with him or has been guilty of misfeasance or has committed breach of trust he shall be called upon to repay the money or give compensation, etc. I wonder why such a delinquent should be excused. You do not drag him to a court of law nor do you proceed against him criminally, but you only ask him to pay back the amount that he has retained. Where is the harm in this, I ask. Why should you be anxious to give shelter to a wrong-doer? I have no sympathy for such men. I would even vote for the extension of this provision to cases not under liquidation. The clause does not give any greater powers to the registrar. What power has been left out of the hands of the registrar that this clause should be withheld? Only when a liquidator or a creditor makes an application and the registrar is satisfied that any person has retained any money, power is given to the registrar to call upon that man to repay the money or restore the property or make good the loss. I see no fear of any innocent man being run down. After all, the clause empowers the registrar to order compensation. An appeal may be provided from an order under this clause and that would be a sufficient safeguard. I propose that the old clause 52 be retained.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District): Sir, I oppose the reintroduction of the original clause 52. The select committee after very careful consideration dropped this clause. The select committee thought at the time and still perhaps many of the members of the select committee think that the ordinary civil law is quite open for the registrar or for that matter for the liquidator or arbitrator to bring such persons to book. There is also the criminal law available. Therefore, to insert this clause would mean frightening away organizers and other persons promoting a society. The select committee thought that the retention of this section will keep back the progress of the movement in this country and

[Rao Saheb D. P. Desai]

therefore they omitted it. In fact co-operative organizers do not come forward in such numbers as appear in other organisations and the co-operative movement does require honorary workers. At the very first revision of the Act of 1912, if this section were introduced it would frighten many of the voluntary workers that came into the co-operative movement. I should think that if anybody and for that matter if the registrar has got any grievance against such honorary workers, he may go to the law courts, civil or criminal, and proceed against such workers.

Mr. M. D. KARKI (Kanara District) : Sir, I am in favour of the revival of clause 52 of the present bill and, therefore, I support the amendment. The present clause 52 of the bill has two beneficial effects. It is preventive as well as curative, preventive in the sense that officers as well as members are constantly reminded that if they go astray there is a provision in the Act under which their actions can be called into question by the registrar. It will therefore serve as a check on the dishonesty of members as well as officers of societies. The honourable member Rao Saheb Desai said that it would work a hardship on workers of societies and consequently there would be no workers forthcoming for the co-operative movement and that this clause should not therefore be revived. It is to be noted that the clause deals with dishonest and negligent officers and members ; it does not deal with all the officers or all the members. It is in the interest of the co-operative movement that dishonesty on the part of the officers as well members should be discouraged. So there is no fear that honest workers will be frightened away if this clause is again put back into the statute.

It has also got a curative effect. It will expedite the winding up of a society. Otherwise, the matter will have to be referred to a civil court and the dilatory process of that court will delay the matter to a great extent and years and years will have to be spent in litigation. This clause does not make it an imperative duty upon the registrar. It says the registrar " may ", i.e., if he thinks that a case is a complicated one, he may refer the society to a civil court and he may not interfere ; the word " may " is significant. Secondly, he cannot do anything himself on his own initiative. It is only at the instance of a liquidator or any member of a society. If it is found by the liquidator or member or contributor that a member or officer has retained a certain sum of money or has committed a breach of trust and so on, then only he will apply to the registrar and not otherwise. The registrar is a responsible officer and he will as such make thorough enquiries after giving notice to the officer or member concerned to show cause. His proceedings will not be arbitrary and one-sided. For these reasons I support the amendment.

Rao Bahadur A. U. MALJI : Sir, I oppose the amendment. I do not really understand why a recourse to the registrar is sought under the amendment moved by the honourable member, Mr. Dev. The registrar has already been spoken of as an autocrat and if these powers are again entrusted to him, I do not know what would be the sentiment of the opposite benches. Secondly, the provision is quite new ; even in England

[Rao Bahadur A. U. Malji]

no such power is vested in the registrar. Lastly, the registrar could effectively deal with this question only if an application is made to him either by a liquidator or a creditor. Under sub-clause (g) of clause 50 of the bill, a liquidator can get disputes referred to arbitration and the registrar can himself be the arbitrator or appoint somebody else to decide the difference. There is therefore already a provision existing elsewhere in this bill and if it is said that the registrar is very innocent of civil law, I really do not know why these complicated questions which at one time were thought fit for civil courts to deal with should be decided by the registrar.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to support the amendment. If we read section 50, we shall find that the liquidator is given certain powers in sub-clauses (c) and (d). Sub-clause (c) says :

" to compromise all calls or liabilities to calls and debts, and liabilities capable of resulting in debts, and all claims, present or future, etc."

Sub-clause (d) says :

" from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives, etc."

Here is a clause which does not give powers to the liquidator, but if during liquidation proceedings he comes to know that a certain officer or a certain member has misappropriated the funds of the society, he takes no action, but he merely applies to the registrar. The registrar *suo motu* cannot do anything. The clause says the registrar may, on the application of the liquidator or of any creditor or contributory, take certain action. The registrar on his own motion cannot do anything, but if during liquidation proceedings it is brought to the notice of the liquidator that there is a defalcation or that there is a criminal breach of trust and that a sum of money has been misappropriated, then the liquidator, under the power given to him in section 50, applies to the registrar and says "Here is a person whose conduct has been brought to my notice, and I find he has misappropriated the funds of the society", and the registrar takes action on it. I have been listening to the debate for the past two days, and the object of this Act, it is said, is that there should be no reference to civil courts, and as far as possible the parties ought not to be asked to go to the civil court. If that is so, why should the liquidator, or the registrar, or for the matter of that the creditor be asked to file a civil suit to recover sums which have been misappropriated? I submit, Sir, that the clause as originally drafted was drafted for this purpose, namely that there should be no necessity for any party to go to the civil court. It should also be remembered that the registrar's decision is not final; it is open to revision. So, if there is a case where the liquidator thinks that there is a criminal breach of trust, the liquidator may bring it to the notice of the registrar, and the registrar, not shall, but may, recover the amount. The registrar is given the discretion. My honourable friend says that the registrar is given autocratic powers, and yesterday it was stated that the registrar was innocent of civil law.

[Mr. G. B. Pradhan]

If he finds that it is a complicated case, he may not take action; he may say "In this matter I will not interfere, I will not make an order for recovering the costs."

Then my honourable friend Rao Saheb Desai says that the inclusion of this clause will deter persons from taking an interest in the co-operative movement. Yes, it will deter, but whom will it deter? It will deter persons who are dishonest. We certainly do not want honorary officers who are not honest. It would be better not to have them at all. We would rather have no persons at all than have dishonest persons. If it creates a suspicion, it will create a suspicion in the minds of persons who are dishonest. It need not frighten away persons who are honest. I therefore think that the clause as originally put in the bill should be retained in the bill.

Mr. D. R. PATIL (East Khandesh District): Sir, I rise to oppose the amendment proposed by my honourable friend Mr. Dev. We have to create a taste in the minds of the people in the working of the co-operative societies. In the first place, we find that as a matter of general rule very few people like to join this movement. We have to make it popular, and so we must see that such a clause as suggested by Mr. Dev is not put in the bill. I can understand that dishonesty should be discouraged but as my honourable friend Rao Saheb Desai said, and very rightly said, there is the Indian Penal Code to check dishonesty. If there is any act of dishonesty on the part of any person, such a person should not be spared; he should be dragged before a court and sent to jail. But, in order that the movement may progress—we are still in the beginning—we should give every sort of facility to persons who work for the movement, and they should not fear to join this movement. Under these circumstances, as this is only the beginning, I think we must not insert provisions of this character in the bill, as there is already the Indian Penal Code to punish dishonest persons.

Mr. S. S. DEV (West Khandesh District): Sir, I do not think clause 50 (g) would cover the cases mentioned in this clause. In the clause 52 which I wish should be retained there is no dispute contemplated which can be referred to arbitration. It has been further stated that we can proceed against the criminal; but, Sir, in that case we cannot get back our money which he may have retained. We know he has retained the money, and we cannot get it back from him by going to criminal courts. As for frightening away people, surely I do not want to give any shelter to dishonest persons. If we frighten away anybody it is the dishonest persons who may be frightened.

One thing however strikes me as very curious in the arguments that have been advanced. When we give any powers to the registrar, he runs away from those powers, but when we want to take away any powers from him, he clings to them as a miser. It is really wonderful. I cannot understand this attitude of the registrar. There must be something behind it which he knows better. I have no hesitation in saying that this clause ought not to be left out.

The Honourable Mr. A. M. K. DEHLAVI: Sir, the clause was introduced on grounds referred to by honourable members who have supported the amendment. It was allowed to be dropped in the select committee for two reasons. One was that there was objection to the clause in co-operative circles. It was brought to our notice that the co-operative circles, who can give an opinion on co-operative matters, were opposed to this clause. We wanted the point to be fully discussed in the select committee. It was fully discussed in the select committee, and the select committee chose to drop it. In this honourable House also I see that there is opinion for and against it. I would therefore leave it entirely to the House to decide as they like, and honourable members may vote as they like.

Question put and amendment declared carried.

Mr. L. B. BHOPATKAR: Sir, I voted against it. I claim a division.

The Honourable the PRESIDENT: It does not matter how you voted. The fact only counts whether you call for a division, and if you do then it will be allowed.

House divided: Ayes, 49, Noes 30: Amendment carried.

Division No. 9.

Ayes

ABERCROMBIE, Mr. J. R.	MADAN, Mr. J. A.
AHMAD, MOULVI RAFIUDDIN	MONTGOMERIE, Mr. A.
ATHAVLE, Mr. S. N.	MRJUMDAR, Sardar G. N.
BARLEN, Mr. K. W.	MUKADAM, Mr. W. S.
BEURGEL, Mr. J. M.	MUKHI JETHANAND PRITAMDAS
BHUTTO, Khan Bahadur S. N.	NEKALJAY, Mr. R. S.
DABHOLKAR, Sir VASANTRAO A.	NOOR MAHOMED, Mr.
DEV, Mr. S. S.	OWEN, Mr. A. C.
FERNANDEZ, Dr. COSMAS	PAHALAJANI, Mr. B. G.
FRANZI, Mr. K. S.	PATEL, Mr. G. I.
GRANTHAM, Mr. V. A.	PATIL, Khan Bahadur JAN MAHOMED
GUNJAL, Mr. N. R.	KHAN
HAJI KHAMISO GUL MAHOMED	PETCE, Mr. F. W.
HAMID M. ABDUL ALI, Mr.	POWAR, Mr. M. B.
HAYWARD, the Honourable Sir MAURICE	PRADHAN, Mr. G. B.
HEPPER, Sir LAWLESS	PUNJABHAI THAKERSI, Mr.
HOTSON, Mr. J. E. B.	RAHIMTOOLA, Mr. HOSEENALLY M.
JADHAV, the Honourable Mr. B. V.	SAYED MUHAMMAD KAMIL SHAH
JATOL, Khan Sahab KARIMBAKSE	SURVE, Mr. V. A.
JAYAKAR, Mr. M. R.	SWAMINABAYAN, Mr. J. C.
JHANGIR, the Honourable Mr. COWASJI	THAKOR of Amod, the
KARKI, Mr. M. D.	THAKOR of Kerwada, the
KAY, Mr. J. A.	TURNER, Mr. C. W. A.
LALLJEE, Mr. HOSEENBOHY A.	WADIA, Mr. N. N.
LALUBHAI SAMALDAS, the Honourable Mr.	WILES, Mr. G.

Tellers for the Ayes: Mr. S. S. DEV and Mr. M. D. KARKI.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Mr.	JOSHI, Mr. P. G.
ADWANI, Mr. D. B.	KALBHOR, Mr. G. M.
BEDREKAR, Khan Bahadur I. M.	KAMBLI, Mr. S. T.
BHOPATKAR, Mr. L. B.	KHURRO, Mr. M. S.
BOLE, Mr. S. K.	LAWRENCE, the Honourable Mr. H. S.
COOPER, Khan Bahadur D. B.	MALJI, Rao Bahadur A. U.
DADACHANJI, Dr. K. E.	MEHTA, Dr. M. M.
DESAL, Rao Sahab D. P.	MOUNTFORD, Mr. L. J.
HATCH, Mr. G. W.	NARIELVALA, Mr. H. H.
JOG, Mr. V. N.	PATEL, Mr. A. E.

Nees—contd.

PATEL, Mr. D. N.
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PRADHAN, Mr. R. G.
 SATTARSHI, Mr. C. M.

SARDESAL, Mr. S. A.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 NOMAN, Mr. R. G.
 THOMAS, Mr. G. A.
 VELKAR, Dr. M. B.

Tellers for the Nees : Rao Bahadur A. U. MALJI and Mr. L. B. BHOPATKAR.

Clause contained in the amendment carried by the above vote ordered to stand part of the bill.

Mr. P. G. JOSHI : Sir, I rise to a point of order. Now that we have carried the new clause, what will be its number ? To that extent it is indefinite.

The Honourable the PRESIDENT : The honourable member will remember that those matters are adjusted on the third reading. It is a verbal alteration and the proper place will be found for it and the vote of the House will be taken on that verbal amendment.

Clause 52 (*Disposal of surplus assets*).

After all the liabilities including the paid up share capital of a cancelled society have been met the surplus assets shall not be divided amongst its members but they shall be devoted to object or objects described in the by-laws of the society and when no object is so specified to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following :—

- (a) an object of public utility of local or communal interest,
- (b) a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890,
- (c) the Central Co-operative Institute, Bombay ; or may be placed on deposit with a Central Co-operative Bank until such time as a new society with similar conditions is registered in which case with the consent of the Registrar the same may be credited to the reserve fund of such new society.

Mr. J. A. MADAN : Sir, I beg to move :

In clause 52, add the word "any" before the words "object or objects".

Question put and carried.

Mr. J. A. MADAN : Sir, I beg to move :

In clause 52 substitute "described" for "specified".

Question put and carried.

Mr. S. S. DEV (West Khandesh District) : Sir, I beg to move :

In clause 52, for "and approved by the registrar" substitute "and approved by Government".

Now, by "Government" here I mean evidently the Minister, and although between the Minister and the registrar there is very little to choose so long as the Minister is nominated by Government, nevertheless he comes in as an elected member, and between these two I would prefer the Minister. I propose this amendment on the lines of clause 39.

Question proposed.

Mr. J. A. MADAN : Sir, I rise to oppose this amendment. I do not think, Sir, why in a small matter like this Government should be troubled. The House knows that here it is merely a question of approval of resolutions passed by a general meeting of the society. The general meeting of a society has got to decide in what way the surplus funds are to be disposed

[Mr. J. A. Madan]

of and that decision has to be approved by the registrar, or those surplus funds may in consultation with the general meeting of the society be assigned by the registrar in whole or in part to any or all of the objects specified. I therefore think that in this case the registrar's approval is sufficient.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I need only say this much and correct my honourable friend a little that by Government he cannot mean the Minister only but the Minister and His Excellency. My honourable friend the registrar is perfectly right in saying that instead of deciding these small matters himself if he is required to send them to Government that will be an unnecessary handicap.

Question put and lost.

Mr. H. H. NARIELVALA (Broach District) : Sir, I beg to move :

In clause 52 (c) add after the word " Bombay " the words " or any of its branches ".

Rao Bahadur A. U. MALJI : Sir, with the permission of the House I propose the following amendment :

That the word " Bombay " in clause 52 (c), be inserted at the commencement of the clause instead of at the end, and that the clause as amended should read as follows :

' The Bombay Central Co-operative Institute, or '

Sir, if my amendment is accepted that will avoid the difficulty of including the words " or any of its branches ".

The Honourable the PRESIDENT : Has the honourable member Rao Bahadur Malji leave of the House to move this amendment, and is it also acceptable to the mover ?

Mr. H. H. NARIELVALA : Sir, I beg leave to withdraw my amendment in favour of the amendment proposed by the honourable member Rao Bahadur Malji.

Question put and leave granted.

Rao Bahadur Malji's amendment was put and carried.

Mr. J. A. MADAN : Sir, I beg to move :

In clause 52 (c) substitute the word " when " for the words " in which case ".

Question put and carried.

Mr. J. A. MADAN : Sir, I beg to move :

In clause 52 (c) substitute the words " such surplus " for the words " the same ".

Question put and carried.

Clause 52 as amended ordered to stand part of the bill.

Clause 53 (*Surplus assets of housing society*).

When a housing society is directed to be wound up, its assets, both movable and immovable, shall, subject to all existing rights and equities, vest jointly in a person nominated by the Registrar, one member named by the said Society in a general meeting specifically called for the purpose and one nominee of the Bombay Central Co-operative Institute as Joint Liquidators and with the approval of the Registrar they may continue the working of the society, or subject to his sanction and in consultation with the general meeting of the members reconstruct it or sell off the premises to the best advantage of all concerned, and when all the liabilities are met the surplus assets shall be disposed of as laid down in section 52.

Mr. J. A. MADAN : Sir, I beg to move :

Substitute the following for clause 53 in the Bill :—

"Where the Society directed to be wound up is a housing society, its assets, both movable and immovable, shall for the purposes of winding up or dissolution of the Society jointly vest, subject to all rights and equities, in three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said Society in a general meeting specially called for the purposes and one shall be nominated by the Bombay Central Co-operative Institute. Such persons shall, for the purpose of winding up or dissolution of the Society, be joint liquidators and shall have all powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the working of the society, or may, subject to his sanction and in consultation with the members of the Society in a general meeting, reconstruct the Society or may sell off the premises of the Society to the best advantage of all interests concerned and when all the liabilities of the Society are met may dispose of the surplus assets of the society, if any, as provided in section 52."

Question proposed.

Rao Bahadur A. U. MALJI : I have a small amendment to suggest, Sir, to the amendment proposed. That is, instead of the words "to the best advantage of its members" the words "to the best advantage of all concerned" may be substituted; so that the creditors' interests might as well be served. The words are there in the draft of the select committee already.

The Honourable the PRESIDENT : Does not the honourable member think that it would serve his purpose better if he merely said "to the best advantage" instead of defining for whose interest? Is it necessary to say "of all concerned"?

Rao Bahadur A. U. MALJI : I think it might be better if we made it clearer, Sir.

Mr. J. A. MADAN : I have no objection to accepting the amendment brought forward by my honourable friend Rao Bahadur Malji. The words were there in the original clause as recommended by the select committee.

The Honourable the PRESIDENT : But is it not sufficient if you merely say "to the best advantage"? That means, I think, to the best advantage of all the interests concerned?

Mr. J. A. MADAN : I wish to make it clearer, Sir; hence I would accept the words "to the best advantage of all concerned".

The Honourable the PRESIDENT : Very well. Then, the amendment proposed to the amendment is that instead of the words "best advantage of its members" appearing in the original amendment the words "best advantage of all concerned" be substituted.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I rise to get some enlightenment on the use of the words "all concerned". I do not think any Legal Remembrancer will ever accept such a vague term. "All concerned" may mean all creditors concerned, all parties concerned, or all interests concerned. If there are one thousand members, this clause would simply be unworkable even if one of the thousand is not consulted. I earnestly hope that the honourable member who proposes this amendment (Rao Bahadur Malji), who is himself a pleader and a member of the legal profession, knows the indefinite nature of the words

[Mr. B. G. Pahalajani]

"all concerned", and I think the Honourable the President may even allow a third amendment or may allow the original wording to be retained. But "all concerned" means every person concerned, and if one is omitted, the proceedings would be illegal and therefore unworkable.

The Honourable Mr. LALUBHAI SAMALDAS: Why not make it "all interests concerned"?

Mr. B. G. PAHALAJANI: I think, Sir, the best words to be put in will be, with due deference to the members proposing the amendment, "to the best advantage" and leave it to the registrar to interpret it, which will mean that the registrar must use his discretion and decide whether it is to the best advantage of everybody's interests. "To the best advantage" will, I think, be the fittest expression which can be entered in this clause.

MOULVI RAFIUDDIN AHMAD (Central Division): Yes, Sir. I would also support this.

Rao Bahadur A. U. MALJI: I would ask for permission, Sir, to allow my amendment to be amended as follows:—

That instead of the words "to the best advantage of all concerned", the words "to the best advantage of all interests" be substituted.

Amendment, by leave, further amended as above.

Mr. J. A. MADAN: I accept the amendment, Sir.

The Honourable the PRESIDENT: The amendment proposed will now read as follows:—

Substitute the following for clause 53 in the Bill:—

"Where the society directed to be wound up is a housing society, its assets, both movable and immovable, shall for the purposes of winding up or dissolution of the society jointly vest, subject to all rights and equities, in three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said Society in a general meeting specially called for the purpose and one shall be nominated by the Bombay Central Co-operative Institute. Such persons shall, for the purpose of winding up or dissolution of the Society, be joint liquidators and shall have all powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the working of the Society, or may, subject to his sanction and in consultation with the members of the Society in a general meeting, reconstruct the Society or may sell off the premises of the Society to the best advantage of all interests concerned, and when all the liabilities of the Society are met may dispose of the surplus assets of the society if any, as provided in section 52."

Question put and carried.

Clause 53, as amended, ordered to stand part of the bill.

Clause 54 (*Arbitration*):

If any dispute touching the business of a society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent, or servant of the society or between the society or its committee, and any officer, agent, member or servant of the society, it shall be referred to the Registrar for decision, and if he so directs, to arbitration; and the Registrar on receiving notice of such dispute may at his discretion either decide the dispute himself or may appoint an arbitrator or arbitrators to decide it.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member whether such debts or demands be admitted or not.

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar

may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall appoint an arbitrator to decide the question.

Mr. S. S. DEV (West Khandesh District): Sir, the amendment which I wish to move reads as follows :—

In clause 54, delete the words from ' and if he so directs ' to ' or arbitrators to decide it ' and substitute the following :—

" or if either of the parties so desires to arbitration consisting of the Registrar and two members of whom one shall be nominated by each of the parties concerned "

I invite your attention to the original clause to which this is an amendment. It says " it shall be referred to the registrar for decision, and if he so directs, to arbitration ". I have never heard of arbitration being directed by a third person. It is the very negation of arbitration. I submit that the clause as it stands has inherent defects. In the first place the choice of referring a dispute to arbitration is left with the registrar. That is absurd. The second defect is that the clause empowers the registrar to appoint an arbitrator or arbitrators to decide any dispute. Who has ever heard of arbitrators being appointed by a stranger to a dispute? In a dispute between A and B who has heard of an arbitrator being appointed by C? I do not think any authority is necessary to prove that " arbitration " implies that when there is a dispute between two parties they will choose their own man. Otherwise it becomes the very negation of arbitration. If the reference to an arbitration is left with the registrar and not with the parties, this clause becomes ridiculous. Calvert is so often quoted by the opposite benches. The honourable member Mr. Malji hardly speaks without Calvert in his hands. It has got the authority of the Bible, as it were. Let me quote him to convince the opposite benches. On page 179 of his book on Co-operation, second edition, Calvert defines arbitration as under :—

" Arbitration means the hearing and determining of a cause between parties in controversy by a person or persons chosen or agreed to by the parties."

It is no arbitration, if a dispute arises between two parties and the Arbitrators are named by a third person.

Another point that strikes me is that this is a new clause, I mean this power given to the registrar is new; I do not know whether it is in the rules but it is not in the whole Act at any rate. Section 43 sub-clause (2) of the present India Act provides cases in which Government may make rules. Sub-clause (1) of that section says that Government may, by rules, prescribe the mode of appointing an arbitrator or arbitrators. But here the registrar in the present bill prescribes that mode, namely, that he shall appoint the arbitrators. There, under the power to make rules, the power is given to Government to prescribe the procedure or the mode of appointing arbitrators. Here the registrar takes that power to himself and therefore I consider that this is a novel arbitration, it is an arbitrary arbitration, and therefore I believe that the whole House will accept my amendment.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to support the amendment. In the first place, I cannot understand the drafting of this clause because it really overrides the provisions of the Civil Procedure Code. Even if in a civil court case there are two parties and they say "we have chosen X and Y as our arbitrator" the court is bound to refer it to arbitration. The court may put a time limit that within a particular period the arbitrator should give his decision or award but the court cannot say "No, I shall not allow this dispute to be referred to a judge of your own choice". The arbitration principle is this, that there are judges of the choice of the parties in dispute and then there is left no option whatever to the deciding authority. Here, as the clause is drafted, even if the parties say "we want this matter to be referred to an arbitrator" and particularly when the amendment of my honourable friend puts down the registrar as one of the arbitrators, he becomes a *Sarpanch*. There are the persons who are arbitrators from each party and there is the registrar who is a *Sarpanch*. I do not know why there should be such power given to the registrar to refuse arbitration. The registrar certainly cannot refuse arbitration under the law when the parties say "do refer this dispute to arbitration and here are our arbitrators chosen by us".

Mr. L. B. BHOPATKAR (Poona City): Sir, I will supplement the remarks made by the honourable member to show that the power which is sought to be given in clause 54 is already introduced in clause 56. In Clause 56 (Appeal against award of Arbitrator), it is said: "The Registrar shall decide the appeal himself or if either of the parties so desires shall refer it for decision to a Board consisting of the Registrar and two members of whom one shall be nominated by each of the parties concerned. Where a party fails to nominate such a person within 15 days the Registrar may himself make the nomination." So the principle that underlies the present amendment underlies also clause 56 which has been accepted by the members of the select committee and my friend, the honourable member Mr. Dev, was entirely right in saying that the present clause as regards arbitration is a travesty of the principle of arbitration, just as in many clauses of the present bill we find there is a travesty of the very principles of co-operation. I, therefore, support the amendment.

Rao Bahadur A. U. MALJI: I oppose the amendment and beg to point out that if the amendment is accepted it would delay the disposal of arbitration cases. Secondly, it would put both parties to unnecessary expense for the parties would have to go to a place where the registrar camps or to a place where the assistant registrar, who will exercise the powers of the registrar, will camp. Unless, therefore, the three gentlemen, namely, the registrar or the assistant registrar and the two arbitrators appointed by the parties, meet together, the arbitration is not likely to be disposed of. If, however, my honourable friend from Khandesh is agreeable to add in his amendment the words "or his nominee" after the word "Registrar" and make his amendment read,

"or if either of the parties so desires, to arbitration consisting of the Registrar or his nominee and two members of whom one shall be nominated by each of the parties concerned"

[Rao Bahadur A. U. Malji]

perhaps the difficulty will be solved. In this way the present procedure will also be there. In the latter part of paragraph 1 of clause 54 you have the wording

"and the Registrar on receiving notice of such dispute may at his discretion either decide the dispute himself or may appoint an arbitrator or arbitrators to decide it."

This contemplates a case like this : where the parties desire that their difference may be submitted to their own nominees plus the registrar or his nominee, the department does not usually object. If therefore the amendment is slightly changed in the manner I have indicated, perhaps the difficulty will be solved.

Mr. S. S. DEV : I accept the amendment proposed to my amendment by Rao Bahadur Malji.

Question put and Mr. Dev's amendment by leave amended accordingly.

Question proposed.

The Honourable the PRESIDENT : I call upon the Honourable Minister to reply.

Mr. J. A. MADAN : Sir,

The Honourable the PRESIDENT : The honourable member cannot speak now. I have called upon the Honourable Minister to reply.

The Honourable Mr. A. M. K. DEHLAVI : The simple difficulty in this connection is this, that the registrar cannot be attending to this kind of work.

The Honourable the PRESIDENT : The amendment now is that the words "or his nominee" be added.

The Honourable Mr. A. M. K. DEHLAVI : The latter amendment which has been proposed is acceptable.

The Honourable the PRESIDENT : The amendment is :

In clause 54, delete the words from "and if he so directs" to "or arbitrators to decide it" and substitute the following :—

"or if either of the parties so desires to arbitration consisting of the Registrar or his nominee and two members of whom one shall be nominated by each of the parties concerned."

The Honourable Mr. A. M. K. DEHLAVI : May I intervene, Sir, with your permission ? If you would permit this to be put to the House after recess, we would be able to see whether the latter portion of it is in order.

The Honourable the PRESIDENT : Those will be consequential amendments, and you can bring them up at any time.

Question put and carried.

The Honourable the PRESIDENT : If the Honourable Minister so desires, I will not put clause 54, after the amendments have been disposed of, to the vote now, to enable him to see whether any consequential amendments are necessary. Does the Honourable Minister desire me to do that ?

The Honourable Mr. A. M. K. DEHLAVI: I do.

The Honourable the PRESIDENT: We will put the clause to the vote after tea.

Clause 55 (*Attachment before award*):

Where a dispute has been referred to arbitration under section 54 or clause (g) of section 50, the registrar or arbitrator or arbitrators, as the case may be, may, if satisfied on inquiry or otherwise that a party to such arbitration with intent to delay or obstruct the execution of any award that may be made,—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the jurisdiction of the registrar,

the registrar or arbitrator or arbitrators may unless adequate security is furnished direct the conditional attachment of the said property; and such attachment shall have the same effect as if made by a competent Civil Court.

Mr. S. S. DEV (West Khandesh District): Sir, I beg to move the following amendment:

In clause 55, for the words from "where a dispute" to "section 50" substitute "where a dispute arises under section 54 or is referred to arbitration under clause (g) of section 50".

Clause 55 says "Where a dispute has been referred to arbitration under section 54 . . ." Section 54 contemplates two things: the case is either kept by the registrar on his own file, or it goes to arbitration. Of these two things section 55 refers only to arbitration; it does not empower the registrar to take any action under section 55 if he keeps the case on his own file. Therefore, I propose that instead of the words "Where a dispute has been referred to arbitration under section 54 or clause (g) of section 50" the words "Where a dispute arises under section 54 or is referred to arbitration under clause (g) of section 50" be substituted. It only makes the point clearer.

The Honourable the PRESIDENT: It is a drafting amendment?

Mr. S. S. DEV: Practically so, Sir.

Question proposed.

Mr. J. A. MADAN: Sir, I propose what I think is a better draft. Instead of accepting the suggestion made by the honourable member for West Khandesh (Mr. Dev), it would be better, I think, to omit the word "arbitration" in line 2 of the clause.

The Honourable the PRESIDENT: I do not think the time of the House can be allowed to be spent in drafting amendments like this. The honourable mover of the amendment has suggested one draft, and the Registrar of Co-operative Societies now wishes to suggest some other draft. I will postpone the consideration of this clause till after tea time, when the two honourable members after consulting each other can bring forward a draft which may be acceptable to the whole House.

Mr. J. A. MADAN: I think it is acceptable to the honourable mover.

The Honourable the PRESIDENT: The honourable member can bring it up after tea time. I cannot allow the time of the House to be taken up purely in drafting matters.

I find there is another amendment standing in the name of the honourable member Mr. Madan. If it forms part of the same issue, the

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honourable member can bring the whole amendment after tea. The consideration of clause 55 will stand over till after tea. I want to get through as many clauses as I can now.

Clause 56 (*Appeal against award of arbitrator*):

Any party aggrieved by an award made under section 54 or an order passed under section 55 by an arbitrator or arbitrators may within one month of the date of the award or order appeal to the Registrar. The Registrar shall decide the appeal himself or if either of the parties so desires shall refer it for decision to a Board consisting of the Registrar and two members of whom one shall be nominated by each of the parties concerned. Where a party fails to nominate such a person within 15 days the Registrar may himself make the nomination.

Mr. S. S. DEV (West Khandesh District): Sir, the amendment which I wish to move is as follows:

"Delete clause 56."

As the House has accepted my amendment to clause 54, clause 56 practically becomes unnecessary, for in clause 56 no appeal is allowed from the decision arrived at by the Registrar under clause 54 but only from the order of arbitrator.

The Honourable the PRESIDENT: Order, order. I think the amendment now proposed by the honourable member depends upon the passing of clause 54, which has been allowed to stand over. I think it would be much better, as clause 55 has been allowed to stand over, if clause 56 also is allowed to stand over, so that all these clauses will be brought up together, and the time of the House will be saved.

Clause 57 (*Finality of order*) ordered to stand part of the bill.

Clause 58 (*Power to enforce attendance*):

Wherever in this Act it is provided that the Registrar or person duly authorized by general or special order in writing by the Registrar in this behalf shall hold an inquiry under section 43 or shall make an inspection under section 44 or shall wind up a registered society or shall arbitrate, such Registrar, or person authorized, as the case may be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908.

Mr. J. A. MADAN: Sir, I beg to move:

"That in line 3, clause 58, the word 'registered' be omitted."

Question put and carried.

Mr. L. B. BHOPATKAR: May I bring to your notice, Sir, one difficulty? Of course, in the hurry of the moment we passed clause 57.

The Honourable the PRESIDENT: It has been passed, and I cannot allow it to be re-opened.

Mr. L. B. BHOPATKAR: If clause 56 has been kept over to be decided till after tea time, and if there is any reference to clause 56 . . .

The Honourable the PRESIDENT: If I find when the matter comes up again that any consequential amendment is required to clause 57, I will ask the permission of the House to allow that consequential amendment to be made.

Clause 58 as amended ordered to stand part of the bill.

Clause 59 (*Money how recovered*).

(1) All orders issued by a liquidator under section 50 or by an arbitrator or arbitrators under section 54 shall, if not carried out, be executed

(a) on a certificate signed by the Registrar or a liquidator by any civil court in the same manner as a decree of such court; or

(b) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.

(2) When the property attached in execution of an order referred to in sub-section (1) cannot be sold for want of buyers, the same may be handed over to a society with the previous consent of the Registrar on such terms and conditions as may be agreed upon between the Collector and the said society.

Mr. S. S. DEV (West Khandesh District): Sir, I move:

In clause 59, *delete* the first portion of sub-clause (1) and *substitute* the following for it:

" 59 (1) All orders issued by a liquidator under section 50, all decisions given by the Registrar under section 54 or section 56, all awards passed by the arbitration under section 54 or section 56 or section 50 (g) and all decisions passed by Government in appeals under section 50 or section 54 shall, if not carried out, be executed."

The Honourable the PRESIDENT: I am afraid this also relates to the clauses which have not yet been passed.

Consideration of clause 59 allowed to stand over.

Clause 60 (*Offences*):

It shall be an offence under this Act if—

(a) a society with a working capital of Rs. 50,000 or more or an officer or member thereof fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, send, do or allow to be done: or

(b) a society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorised by him in writing in this behalf: or

(c) a society or an officer or member thereof wilfully makes a false return or furnishes false information: or

(d) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Act.

Mr. V. N. JOG (Dharwar District): Sir, I beg to move:

Delete clause 60.

Sir, the reason why I wish this clause to be deleted is these penal clauses are introduced for the first time in this bill. They do not find a place in the Act II of 1912. Although we have been working the Act for 20 years, I think it is too early to introduce penal clauses like this at this stage. I do not know if in any other country except in the Friendly Societies Act in England such penal clauses have been introduced.

Another reason which I wish to bring before the House is the one which has already been mentioned in connection with the discussion of clause 22, namely that it will deter people who are honorary workers to come forward and take up the management of the societies. These

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clauses are very vexatious and the cause and course of co-operation would be obstructed. For these reasons I beg to move the amendment which I have proposed.

Question proposed.

Mr. J. A. MADAN: Sir, I rise to oppose the amendment. The honourable mover has stated that these clauses are new, and if they are accepted by the House it will prevent honorary workers from joining the movement. In the first place I want to point out that although there is no corresponding section in the Act there is one rule at present which under certain circumstances allows the registrar or even an arbitrator or a liquidator or auditor to fine any person who disobeys certain orders passed by him. The rule is :

" Any person to whom a summons has been sent by registered post by the Registrar or an arbitrator under rule 31, or by a liquidator under rule 36, or by the Registrar or any person authorized by him under rule 36A, shall, if such person fails to appear or otherwise to comply with the requirements of the summons and if the summons is duly served in accordance with the provisions of section 27 of the General Clauses Act, 1897, be liable on the order of the person issuing the summons, to a penalty not exceeding Rs. 50, and such penalty shall be levied as an arrear of land revenue, etc. "

Therefore, at least as regards one sub-clause mentioned in this clause, there is already provision in the present Act which goes much further than what we are doing now in the bill. For under the rule quoted either the registrar or any of the persons mentioned therein are empowered to levy a penalty. Under the present clause the fine can only be levied by a magistrate. As regards honorary workers being troubled, I do not think there is any possibility of any honorary worker who acts according to rules and by-laws being troubled in any way at all. The select committee has taken good care to see that the necessary safeguards are introduced. You will see that in sub-clause (a), they have introduced the words " without any reasonable excuse " ; in sub-clause (b) we have the word " wilfully " ; in sub-clause (c) the word " wilfully " has been introduced ; and in (d) " wilfully or without any reasonable excuse ". The reason why these clauses did not find a place in the original Act was probably that the movement was then in its infancy and the societies were small and few, and it was possible for the registrar to be in direct touch with most of them. Now that the number of societies has grown there is much less control, and sometimes you find the rules and by-laws disregarded with impunity. You find in this bill certain by-laws enjoining on officer-bearers the doing of certain things. If those officers do the things which they are not allowed to do under the Act or do not do the things which they are bound to do, there is no provision at all at present under which they can be brought to account. Sir, there is no use for a Legislature to say that such and such a thing shall be done or such and such a thing shall not be done and then make no provision at all for any sanction. I will quote instances of cases of what sometimes actually happens. In our by-laws it is laid down that the amount to be advanced to any individual should not exceed a certain figure say Rs. 300 or Rs. 500. The chairman may advance Rs. 1,000 to any one of his relatives or friends, and no action can be taken against him. Similarly, one of the

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sections requires that the dividend should not exceed 10 per cent. If any society takes it into its head to distribute more there is no action that can be taken against it under the present law. Similarly, there is a provision that no loan should be given to a non-member. There is also a section making it incumbent upon a society to call a special meeting under certain circumstances. Well, if any of these or even if all of these are disregarded, at present no action can be taken unless the act comes under the Penal Code. If the chairman or the managing committee members do anything objectionable, nothing can be done, unless they have committed some offence which brings them under the Penal Code. This very often has a demoralising effect on the societies. If people see that members of one society who are bound down by rules act against them and nothing can be done against them, the other societies do the same, and the whole movement suffers.

It was said that honorary workers would find it difficult and would not be willing to come forward to join the movement if this clause is introduced in the Act. Now, one must remember that the chairmen and members of the committees of these co-operative societies have certain powers, and so long as those powers are used in the right way there is no possibility of their being run in under this section. If this amendment were to be passed what is there in the Act by which any action can be taken against real offenders? Nothing at all. Now, these clauses are taken from the Friendly Societies Act of England which makes several other actions also punishable. If such power is necessary in England, where the members are in a position to actually exercise control over the members of the committee, how much greater necessity there is for introducing some similar provisions in our country where usually the power exercised by the chairman or the managing committee members is not checked and very often the chairman and the managing committees are able to do what they like?

I would also like to bring to the notice of the House several other safeguards that the select committee has introduced. In the first place no action can be taken unless the registrar's previous sanction has been obtained. I might draw the attention of the House in this connection to clause 63, sub-clause (3) under which "no prosecution shall be lodged without the previous sanction of the registrar", "which," the clause provides "shall not be given except after hearing the party concerned." This clause besides does not give any power to any court inferior to the presidency magistrate or a magistrate of the first class to hear the case. I may mention that the considered opinion of almost all the important co-operative organisations is in favour of this clause. This question was very thoroughly discussed at the last Provincial Co-operative Conference in which representatives of all classes of co-operative societies were present. This body passed unanimously a resolution in favour of this clause suggesting only that sub-clause (1) be restricted to societies with a working capital of Rs. 50,000 and over. This was the only suggestion they made and it has been incorporated in this clause. Is this House going to decide against the wishes of the Provincial Co-operative

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Conference which contained representatives of various kinds of societies, big and small societies, and people who had actual experience of the working of the societies, people who knew what acts some of the chairmen commit, how those acts could not be dealt with, because there was absolutely no power in the Act to deal with them. I therefore hope that this clause as it stands will commend itself to this House and that the House will reject this amendment.

Mr. V. N. JOG: Sir, I beg leave to withdraw my amendment.

Question put and leave refused.

Rao Saheb D. P. DESAI (Kaira District): Sir, I do not wish that the amendment moved by my honourable friend, the honourable member Mr. Jog, should be withdrawn. My argument is, Sir, let us go to the practical side rather than do some ideal things. Supposing the registrar's auditor were to visit one of the societies and some member who is not in his good graces does not attend the summons, he at once becomes liable to be prosecuted under this section. Again, Sir, let us view it in another light. Supposing some auditor goes to audit the accounts of the bank controlled by the Honourable the Revenue Member and asks the Revenue Member to supply certain documents or to be present before him and if he does not supply them or present himself, then his absence would be rather misconstrued and he too would be prosecuted before a presidency magistrate. So, I have taken the two extreme views. On the one hand, the member or manager or director of a provincial bank and on the other a poor cultivator working as a voluntary member or chairman of a co-operative society in the mofussil. I would rather view such matters from the practical point of view. Suppose a manager or a director or an ordinary member of a Co-operative Society in the mofussil does not send a carriage for the auditor when he goes to that place to audit the accounts, the auditor might get that manager, director or member in his clutches under this clause. We have gone without this clause up to now. No other Co-operative societies Act contains such a clause and why should the Co-operative Societies Act of this presidency only contain this clause?

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to oppose the amendment. I have not been able to follow the argument of my honourable friend from Kaira, Rao Saheb Desai. He forgets that in all these clauses there is the word 'wilfully'. And the jurisdiction is that of a first class magistrate or a presidency magistrate. Section 63 provides that no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

Then as the registrar has pointed out, it is also provided that no prosecution under this Act shall be lodged without the previous sanction of the registrar, which shall not be given except after hearing the party concerned. These are the safeguards laid down and in the penal section there are these words that if any person "wilfully or without any reasonable excuse" disobeys any summons. My honourable friend from Kaira

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gave the illustration of the Revenue Member. But I am sure if the Revenue Member is summoned and if he stays away he will certainly do that with a reasonable cause, and so if there is a reasonable cause that will not be a default and therefore he cannot be proceeded against. These are the safeguards and I do not therefore know why people should get nervous only because there are some penal clauses. I therefore oppose the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support this amendment. All these safeguards have been provided under section 22 under which the auditor can obtain all the necessary information, and therefore the addition of these penal clauses is unnecessary. It is therefore not necessary to add these penal clauses. Then again these penal clauses did not exist in the old Act. Therefore these penal clauses are likely to frighten the people whom we have to encourage to join these societies. I therefore support the amendment.

Mr. K. W. BARLEE: Sir, I would like to point out to the House that the penalty for this disobedience is only Rs. 50 and as far as I can see there would be no moral stigma on any one who is convicted of any offence under this clause. And if by any chance a man is so very unlucky as to fail to prove to the registrar that he had a reasonable excuse and is convicted, I think it is a pity. Some people are very unlucky and some people do get within the clutches of the criminal law for fraud and that sort of thing. But I do not think any one need be afraid of that in this case. I therefore oppose the amendment.

Mr. D. B. ADWANI (Karachi City): Sir, at first sight it would appear that the provisions of this clause are rather drastic in their nature. But on considering the matter, it would appear that they are necessary. I know from my own experience of the working of some of the co-operative societies, that some provision of this kind is necessary. At the same time I consider that in some respects this clause is defective. In sub-clause (b) it is rather vague to say "to do any act". "Any act" is certainly very vague and indefinite. The sections under which the acts were contemplated should certainly have been given. As it is, the registrar gets very wide powers of calling upon the office-bearers to do anything contemplated by the Act. In a penal section it is necessary that the sections under which the registrar could require acts to be done should be stated. Another fact that I should like to bring to the notice of the Honourable Minister is that when an officer wilfully makes a false return, the punishment provided here seems to be very inadequate. I think it is a criminal liability which ought to be rather drastically dealt with instead of by a fine of Rs. 50, and it seems to me that it can be brought under the Penal Code. That being so, it is rather strange that it should have been considered sufficient to show a fine of Rs. 50 as punishment under this Act.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, I oppose the amendment. In the first place, the safeguards in this clause have been given especially in the case of societies with a working capital of Rs. 50,000,

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not less. That is a point to be considered. The second point is that a similar section did not exist in the old Act, but that is no reason why we should not have this provision now. The circumstances when the old Act was passed were quite different; they have now entirely changed, and instances are not wanting of members who swallow a lot of money from the co-operative societies. Therefore, especially this provision is necessary. One point has been made out that we cannot find honorary workers if we have such sort of provisions. To this I would reply that it is far better that we do not secure honorary workers rather than secure honorary workers who would swallow money and who would not like to have these checks. We want workers who are prepared to work under these restraints and control; otherwise it is far better that we do not have workers who would swallow money.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I only want to bring to the notice of the House, and for their very serious consideration, as I find there is an opinion on the part of some honourable members here that these provisions are rather drastic, that we are building up, for the first time, after our past experience in this presidency, a constitution for the welfare of the societies and of the whole movement. We are building up a constitution for an infant movement and let me hope it will help it to grow into manhood. We have, therefore, to afford every facility to, as well as meet every difficulty that might arise in the successful working of the movement. I do not see why there should be any soft-heartedness about a section like that, particularly when, as one of the honourable members has said, we have passed the clause 22. That is the very reason why we need the sub-clauses provided for in this particular clause. We have provided in clause 22 that the auditor will exercise certain powers. Now, those powers given to him are absolutely of no use if he cannot enforce them, and if the enforcements of all those powers and the demands made on the members and officers of the society are not obeyed, then the only remedy is that we have to deal with them. There must therefore be a clause in this constitution which should provide for it. The registrar has pointed out that this is nothing new. It may be new to this bill, or rather to the old Act, but other societies (in this or other countries) have similar provisions. Then the Co-operative Conference is a body which is a collection from all corners not only of this presidency but from various parts of India, where the movement is making ahead. Now in that conference every subject affecting the best interests of the movement is carefully considered by a large majority of people. In the last such conference a resolution was passed asking for a provision like the one under consideration. I therefore think that co-operators who have devoted their best time and attention to the movement have agreed to this, and this House need have no difficulty in accepting a clause like that.

Question put and lost.

Clause 60 ordered to stand part of the bill.

Clause 61 (*Penalty for offences not otherwise provided for*) ordered to stand part of the bill.

Clause 62 (*Prohibition of the use of the word "Co-operative"*) ordered to stand part of the bill.

Clause 63 (*Cognizance of offences*) ordered to stand part of the bill.

Mr. J. A. MADAN: Sir, I beg to move an amendment as under:—

After clause 63, change the heading 'Appeals' into 'Appeals and Revision'.

Mr. V. N. JOG: I want to suggest a small amendment.

Mr. S. S. DEV (West Khandesh District): I do not know how this amendment is necessary because "revision" is not referred to only in one clause. . . .

The Honourable the PRESIDENT: This is only a consequential amendment depending upon the acceptance by the House of the honourable members' amendment.

After Recess.

The Honourable the PRESIDENT: I understand that the clauses which have been postponed will be ready within a few minutes. We will proceed with the rest of the clauses, so that we may get through as much of the work as possible.

Clause 65 (*Recovery of sums due to Government*) ordered to stand part of the bill.

Clause 66 (*Power to exempt societies from conditions as to registration*) ordered to stand part of the bill.

Clause 67 (*Power to exempt societies from provisions of Act*) ordered to stand part of the bill.

Clause 68 (*Indian Companies Act not to apply*) ordered to stand part of the bill.

Clause 69 (*Branches, etc., of societies outside the presidency*) ordered to stand part of the bill.

Clause 70 (*Notice necessary in suits*) ordered to stand part of the bill.

Clause 71 (Rules):

(1) Government may, for the whole or any part of the presidency and for any society, or class of societies, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

(b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

(c) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making alteration or abrogation;

(d) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership;

(e) provide for ascertaining the value of a deceased member's share or interest;

(f) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(g) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers;

- (h) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance-sheet showing the assets and liabilities of a society ;
- (i) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted ;
- (j) provide for the persons by whom and the form in which copies of documents or entries in books of societies may be certified, and for the charges to be levied for the supply of such copies ;
- (k) provide for the formation and maintenance of a register of members, and where the liability of the members is limited by shares, of a register of shares ;
- (l) prescribe the payments to be made and the conditions to be complied with by members applying for loans, and the period for which loans may be made, and the amount which may be lent to an individual member ;
- (m) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members ;
- (n) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society ;
- (o) prescribe the extent to which a society may limit the number of its members ;
- (p) prescribe the conditions under which profits may be distributed to the members of a society and the maximum rate of dividend which may be paid by societies ;
- (q) prescribe the procedure to be followed in presenting and disposing of appeals ;
- (r) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that shares shall not appreciate in value and that necessary capital shall be available for the society as required ;
- (s) provide that persons qualified under the by-laws of a society shall not be excluded from membership without due cause ;
- (t) prescribe the procedure to be followed by a liquidator appointed under section 47 ;
- (u) prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators and for fixing and levying the expenses of determining the dispute ;
- (v) provide for the issue and service of process and for proof of service thereof ;
- (w) provide for the writing off of bad debts ;
- (z) regulate the manner in which funds may be raised by means of shares or debentures or otherwise ;
- (y) provide for the withdrawal and expulsion of members and for the payments to be made to them and for the liabilities of past members ;
- (z) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred ;
- (aa) prescribe the cases in which an appeal shall lie from the order of a liquidator appointed under section 47 ;
- (bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same ;
- (cc) prescribe the procedure to be followed for the custody of property attached under section 55 ; and
- (dd) provide for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by Co-operative Societies to any provident fund which may be established for the benefit of officers and servants employed by them.
- (3) Government may, subject to such conditions, if any, as it thinks fit, delegate all or any of its powers to make rules under this section to any authority specified in the order of delegation.
- (4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.
- The rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session.

Rao Saheb D. P. DESAI (Kaira District) : Sir, the amendment which I wish to move is as follows :—

Add in clause 71 a sub-clause (ee) as follows :—

"(ee) Prescribe the period and terms under which Government aid will be given to co-operative societies and the terms under which the Government may guarantee the payment of interest on debentures issued by registered societies."

Sir, this is only a consequential amendment to my amendment which has been accepted by Government. It only empowers Government to make rules in connection with the grant of loans to co-operative societies. But before it is put to the House, I would like to further amend it as follows :—

"Substitute the word 'may' for the word 'will'."

This amendment is necessary, because in the amendment which I originally moved and which was passed by this House the word 'may' occurs.

Question put and leave granted to the honourable member to amend his amendment accordingly.

Rao Saheb D. P. DESAI : My amendment as amended will read as follows :—

Add in clause 71 a sub-clause (ee) as follows :—

"(ee) Prescribe the period and terms under which Government aid may be given to co-operative societies and the terms under which the Government may guarantee the payment of interest on debentures issued by registered societies."

Question proposed.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I accept the amendment with the remark that Government have already been doing a lot in this very direction. A clause like that may however remain in the bill.

Question put and carried.

Mr. S. S. DEV (West Khandesh District) : Sir, I move

"That in clause 71, for the last clause which has been added by the select committee, substitute the following as sub-clause (5):

(5) Any member of the Bombay Legislative Council may, at any time, move a resolution for rescinding, modifying, altering or adding to, any of such rules. Such resolution shall be subject to the provisions contained in sub-section (4) and shall always get a priority over other resolutions."

The present clause as recommended by the select committee, reads thus :—

"The rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session."

I think that this clause as it stands in the bill restricts the power of any honourable member to move any resolution at any time. There is no provision anywhere in the Standing Orders or the Rules of the Council which would prevent any honourable member of this House from moving any resolution at any time recommending to Government that a certain rule made under such and such an act be rescinded, modified, altered, or added to. But this clause that is now sought to be added in the bill by the select committee restricts that power. Under the clause as it stands, he has to table a resolution within one month, and if he does not table that resolution, what is to happen next? The House is prevented from moving any resolution. He has to table the resolution

[Mr. S. S. Dev]

within one month. If no such step is taken by any honourable member within that month, does it follow that the whole House is prevented from moving any such resolution thereafter at any time? I apprehend that this clause, as it stands, restricts the power which the House already possesses. Every honourable member possesses the right of bringing in a resolution at any time recommending the rescinding, modifying, altering or adding to or doing anything else with the rules passed under any of the Acts. Therefore, I propose that instead of the clause in the bill as recommended by the select committee, we should have a clause like this :

Any member of the Bombay Legislative Council may, at any time, move a resolution for rescinding, modifying, altering or adding to, any of such rules. Such resolution shall be subject to the provisions contained in sub-section (4) and shall always get a priority over other resolutions.

I have provided that such resolution shall be subject to the provisions of sub-clause (4). Under sub-clause (4) any rule that is to be framed by Government will have to be submitted to the public by previous publication. The power to make rules under that section is subject to the condition of the rules being made after previous publication. Similarly, I propose that when any honourable member submits any resolution affecting any of these rules, that resolution will be subject to sub-clause (4) and will be published for the benefit of the public, and in whatever session it is taken up, it will have priority over other resolutions. Therefore, instead of restricting the power of any honourable member, I give the whole House free choice to move such a resolution at any time, and I further provide that such resolution should have priority over other resolutions. The House may be pleased to accept my amendment.

Question proposed.

Mr. R. G. PRADHAN (Nasik District): Sir, I am afraid I cannot agree with the interpretation which the honourable member from West Khandesh seeks to put upon this clause, and therefore I am afraid I must oppose the amendment. I submit, Sir, that it is quite clear that the power which is given to honourable members to send resolutions and to move them in this Council is not in the least affected by this clause. That is a general power which every member is empowered to exercise and which he will be able to exercise at any time. That general power is not in the least affected by this clause. What this clause says is this : if a particular resolution for annulling or modifying the rules is brought forward at the next session and if that resolution is accepted by the House, it will be binding on the Government to accept that resolution and to annul or modify the rules. The effect of the resolution which my honourable friend mentions in his amendment will not be the same : Government are not bound to accept the resolution; they may or may not accept it. The effect of this clause is that if any resolution is passed by the Council for rescinding the rules or for modifying the rules the Government are bound to rescind or modify those rules. The general power of moving resolutions is not at all affected. On the contrary this clause goes further: it gives power to this House to compel Government to take action on the resolution to rescind or modify the rules.

Mr. M. R. JAYAKAR (Bombay University) : Sir, I have been trying to consider the wording of this clause, and I must say with all respect to those who drafted it, that I cannot make any sense at all. Look at the clause :

"The rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session."

To me it seems to be a curious combination of two ideas. The one is, that for one month they shall be laid on the Council table and when that month expires they will become final. That seems to be the lurking idea in the mind of the draftsman in putting the words "for one month". The idea seems to be that the Council will have one month for considering the propriety of the rules, and if within one month no resolution is tabled those rules will be final. That is one of the confusing ideas. The next confusing idea is contained in the words "at the next session". The idea seems to be that the opportunity for tabling a resolution is only given at the next session. The interpretation put upon this clause by the honourable member for Nasik loses sight of these words "shall be liable to be rescinded or modified". It merely means that the rules are open to be rescinded or modified. The honourable member's argument seems to be based on the idea as if the words are "shall be rescinded or modified". Therefore, with all respect to him, I must say there is not much substance in his argument. Therefore, I want the Government benches to make the sense clear. It seems to be most confusing. Is it or is it not the meaning that if the opportunity is not availed of by tabling a resolution at the next session, then that opportunity is gone. Is that the idea? Or is it that the opportunity is always open as my honourable friend, Mr. Pradhan, argues? If so, there is no meaning in the words "at its next session". Therefore, I submit, Sir, that the old wording of the clause which has been replaced by the present one was infinitely better. If, however, the Government will make the sense clear, namely, that this Council is not to be deprived of its opportunity of rescinding or modifying these rules whenever they like, by making corresponding changes in this clause by dropping the words "at its next session", then it may be much clearer. As it stands certainly it does convey the impression that the opportunity to rescind these rules is open only for one month and can be availed of by tabling a resolution at the next session only. I submit, therefore, the Government benches should state to us what the meaning of the clause is.

Mr. A. MONTGOMERIE : Sir, may I rise to oppose the amendment? The clause as it appears is taken exactly word for word as it was accepted in the Children's Bill. The doubt which the honourable leader of the Swaraj party raised as to the propriety of the words "shall be liable to be rescinded" does not seem to me to be based on any good grounds. He suggested that the section should read :

The rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be rescinded or modified by a resolution of the said Council.

Mr. M. R. JAYAKAR : Sir, I was only answering the argument of my honourable friend, Mr. R. G. Pradhan. I was not suggesting anything

[Mr. M. R. Jayakar]

myself. His argument was that the effect of having the last three lines of this clause would be that this resolution of the Council will in that case act not only as a recommendation but as a mandate to the Government. And I pointed out, Sir, that the words "shall be liable to be rescinded" conflict with that idea.

Mr. A. MONTGOMERIE: I must dissent from this view. I think the words are clear that they shall be liable to be rescinded or modified by a resolution of the Council. If a resolution is passed rescinding or modifying a rule, it is laid down here that that resolution will not be like an ordinary resolution recommendatory to Government, as at present provided under the Standing Orders, but it will have a statutory effect. That is the purpose of the rule, and that is the interpretation I should put on the words as they stand.

Mr. M. R. JAYAKAR: On a point of information, Sir. Does the honourable member mean that if a resolution is tabled at the next session and passed it will be a mandate, but if it is tabled and passed at any subsequent session it will only be recommendatory?

Mr. A. MONTGOMERIE: That is the idea, because there must be some finality in rules. If the rules are introduced they are placed on the Council table for the consideration of the House for a month before the session. Then they should be challenged at once. Otherwise the alternative should be by the ordinary process either of a resolution recommending to Government or by the introduction of legislation so modifying the rules by statute; otherwise there will be no finality. The business of the House must go on. There are many Acts in which similar sections will be introduced in exactly similar language, and if the time of the House is to be taken up with innumerable resolutions, each of which as suggested by the honourable mover is to have priority over other resolutions, the chances of going through all the business of this House will be very small. The section gives practically a new force to the word "resolution". It introduces a special kind of resolution which is no longer a recommendation to remove a statutory rule and will compel the modification of the rules.

With regard to the question of priority, during the discussion on a bill, Mr. Surve's bill, which will come on later, in the select committee we have discussed this matter at some length, and the Honourable the Home Member who is in charge of that committee agreed that resolutions under statute might be treated in two ways. They might be either treated as Government business and given priority by Government or if that is impossible under the rules as they stand, some modifications of the Standing Order might be introduced to make it certain that a resolution tabled under a section such as the section under discussion would be given priority and must come up for discussion during that session. I think that assurance will meet the wishes of all sections of the House. The question will be examined whether such priority can be given under the rules and Standing Orders as they at present stand, or whether some modification of the Standing Orders is necessary, and if it is found that

[Mr. A. Montgomerie]

such modification is necessary steps will be taken to introduce it as early as possible. So that these resolutions regarding statutory rules brought under the terms of a section like this will inevitably come on for discussion, and will not have to take their chance in the ballot with other resolutions.

With regard to the amendment as it stands, these are my objections on general grounds, but there are also special objections to the amendment as it stands. I am afraid I cannot read any meaning into the last sentence of the amendment; "such resolution shall be subject to the provisions contained in sub-section (4)....."

I do not understand what the honourable member means by "resolution of the House shall be subject to the provisions of sub-section (4)" Does he mean that no member shall be allowed to move a resolution for rescinding these rules until he has after one month before the session commences conveyed his intention to do so in the Government Gazette. That seems to be the meaning of the words though I do not think he can have intended such meaning. But that is a small point of detail.

The Honourable Sir MAURICE HAYWARD: Mr. President, I should like to explain and repeat what the Secretary said that the Children's Act contains precisely word for word the same provisions which the select committee have entered here in this rule-making clause. The wording is precisely the same. I have the debate in my hands now, and the matter was very carefully discussed in Council and I see that the debate occupied some twenty pages of the report. I think we can safely copy the provisions of the Children's Act. The provisions as in the Children's Act and as here come to this: Under clause (4) the rules are subject to the condition of previous publication. I think it was explained before what previous publication means. It is a technical term explained in the General Clauses Act. It means that a draft of the proposed rules has to be published for a certain period beforehand and objections have to be invited. If any objections are received they have to be considered and the rules have to be modified or not as may be thought fit in view of those objections. After that those rules can be made and passed and have to be republished. So that, that provides for a very good and I think sufficient publication of the rules before they are finally made giving everybody an opportunity of realising what the rules are and making his objections to them. In addition over and above that, the clause under discussion provides that the rules when so made shall again be open to be rescinded or modified by the Council. After they have been made it is prescribed by this last clause that they shall be laid for one month upon the Council table, one month before the next session. That is to say, supposing the rules are made during the off season when the Council is not sitting, a copy of these rules must be sent one month before to every member of the Legislative Council, so that in addition to the opportunity of seeing them printed and published in the Gazette, he will have also independent notice that these particular rules have been made and he can read them through at his leisure, and he will have one month within which to give notice before the next Council.

The Honourable the PRESIDENT : He will have fifteen days.

The Honourable Sir MAURICE HAYWARD : I understand that he will have only fifteen days within which to give notice of any proposed amendment of the rules under the Standing Orders. I think however he will practically have more than that as the clause stands. I may proceed to explain, the clause does not require him to give notice fifteen days before the session, but it says that he can table his motion at the next session, so that he really has his full month, or if the session lasts for more than a month he has two months, so that he has considerable time to consider the rules and to decide whether it is necessary for him to move the Council to rescind them or to modify them. Supposing he thinks that they are bad rules and ought to be rescinded, then he will table a motion at the next session saying that he recommends that these rules should be rescinded. That motion, if tabled in sufficient time, might come on for hearing at the next session itself, and the rules would be discussed and the Council would then decide whether they are going to have these rules or not. If they should decide that they would not have them then the rules would be rescinded, and they would be null and void and would have no effect. If however he tabled his resolution on the last day of the session then the resolution would have to come up at the next session, and at the next session it would be fully discussed, and if the Council did not like the rules they would be rescinded and they would be null and void and would have no effect. It would be entirely different from a mere recommendatory resolution which has not the effect of nullifying anything but merely recommends that some action be taken by Government.

I will deal also with the question of priority of such a resolution, because that is very important. There is not much use giving a member of this Council an opportunity of tabling a resolution if the discussion is going to be put off indefinitely from time to time until he is fortunate enough to draw a place in the ballot. Therefore, when this matter was being considered on the Children's Bill, I think I gave some sort of assurance that I would see that any such resolution, if moved, should be treated as an official resolution and should be given priority. I undertook to see that any such resolution should have a real chance of being moved. This matter, as mentioned by the Secretary, was again discussed in select committee on the honourable member Mr. Surve's Police Bill, and I then said that it was my intention to move for a special standing order to provide for these kinds of resolutions, which might for shortness sake be styled "statutory resolutions"—resolutions which are required or allowed to be moved by some provision of law, by some statute. If members have read the report of the select committee on the honourable member Mr. Surve's Bill to amend the District Police Act, they will see that the select committee has specifically recommended that such a standing order should be made, and in view of that recommendation I have already taken steps to have such a standing order drafted, and the Secretary to the Legislative Council tells me it has been drafted, though it has not yet reached my table. But I understand that it will very shortly do so, and it is my intention

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to submit that standing order to the approval of my honourable colleagues with a view to introducing that as one of the standing orders of the Council. It will provide that any resolution of a statutory nature moved under a rule-making clause of this sort, whether in the Children's Act, or in this Act or in any other Act which may be passed in the future, shall be given an immediate hearing, so that such a clause may be a really effective clause and may give this honourable House an effective control over the rule-making powers, a control which I observed on previous occasions ought very rightly to be reserved by this Legislative Council. I should recommend, therefore, that this honourable House should accept this form of control prescribed both in the Children's Act and in this Bill, and I think, with all due deference to the amendment framed by my honourable friend from West Khandesh, that this would be a far more effective control than the control which he suggests. I would, therefore, ask him to consider whether this really does not meet the case and whether it is really necessary for him to press further any alteration in this rule which was passed at the previous meeting of this Council after very considerable and long discussion.

The Honourable the PRESIDENT: Before the discussion proceeds, I should like to say that I am glad that the Honourable the Leader of the House has informed honourable members that he intends to amend the Standing Orders. When I interrupted him, I did so on the basis that the present Standing Orders did not permit of any such priority.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I should like to be enlightened by the Honourable the Leader of the House on one point. He says that even if such a resolution is tabled on the last day of the session it will come before the Council. Now, it would not appear even on the agenda: how then could it be taken up?

The Honourable the PRESIDENT: It will appear on the supplementary agenda. I have just explained that the Honourable the Leader of the House intends to propose an amendment of the Standing Orders which will give effect to what he has stated as conceding the right to honourable members to bring forward their resolutions at shorter notice than is provided under the existing orders. I made that perfectly clear.

Mr. M. R. JAYAKAR (Bombay University): Then, I take it as clearly understood that under the standing order which the Honourable the Leader of the House promises to bring before this House some provision will be made for enabling members to table their resolutions—to take the wording of the clause—although less than a fortnight's notice is given, as under the present Standing Orders I take it that no resolution can be tabled so as to come up for discussion unless a fortnight's notice is given.

The Honourable Sir MAURICE HAYWARD: I think the present rule now allows fourteen days' notice prior to the resolution coming up. I think the rule was amended to provide that any one could give notice of a resolution to come up for discussion within fourteen days from the date of notice. I may be mistaken, but that is my impression.

The Honourable the PRESIDENT : No. The present Standing Order requires fifteen days' clear notice from the commencement of the session. But the Standing Order has been amended to the effect that if any resolution is sent in at shorter notice, then it is published on the supplementary agenda, and it can be brought up for discussion if priority is granted to it. Those are the present Standing Orders.

The Honourable Sir MAURICE HAYWARD : I should certainly look into that point and consult the honourable the Leader of the Opposition as to the form of the proposed standing order and we might settle it between ourselves in order to make it a satisfactory standing order.

Mr. S. S. DEV (West Khandesh District) : Now, I seek permission of the House to withdraw my amendment.

Question put and leave granted.

Clause 71 as amended ordered to stand part of the bill.

The Honourable the PRESIDENT : We will now revert to clause 54.

The Honourable Mr. A. M. K. DEHLAVI : Sir, the amendment proposed by the honourable member for West Khandesh is to be amended like this. These words will come after the word "decision" :

"by himself or his nominee or if either of the parties so desires to the arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned."

Mr. S. S. DEV (West Khandesh District) : Sir, I have no hesitation in accepting the draft of the Honourable Minister and I seek permission of the honourable House to amend my amendment as under :—

In Clause 54, after the word "decision" add the following words :

"by himself or his nominee, or if either of the parties so desires, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned."

Question put and leave granted.

Amendment as amended put and carried.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I wish to move the following amendment to clause 54 :—

In last line, clause 54, omit the words "appoint an arbitrator to decide the question" and substitute therefor the words "take action as laid down in paragraph 1 of this section".

Question put and carried.

Clause 54, as amended, ordered to stand part of the bill.

Clause 55 (*Attachment before award*) :—

Where a dispute has been referred to arbitration under section 54 or clause (g) of section 50, the Registrar or arbitrator or arbitrators as the case may be, may, if satisfied on inquiry or otherwise, that a party to such arbitration with intent to delay or obstruct the execution of any award that may be made,—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

the Registrar or arbitrator or arbitrators may unless adequate security is furnished direct the conditional attachment of the said property ; and such attachment shall have the same effect as if made by a competent Civil Court.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I beg to move the following amendment to this clause :—

"Delete the first line and the 1st 5 words in the second line and insert instead the following :—

"Where a dispute has been referred to the Registrar under section 54 or to arbitration under sub-clause (g) of section 50, the Registrar or his nominee or the "

Question put and carried.

Clause 53, as amended, ordered to stand part of the bill.

Clause 56 (*Appeal against award of arbitrator*):—

Any party aggrieved by an award made under section 54 or an order passed under section 55 by an arbitrator or arbitrators may within one month of the date of the award or order appeal to the Registrar. The Registrar shall decide the appeal himself or if either of the parties so desires shall refer it for decision to a Board consisting of the Registrar and two members of whom one shall be nominated by each of the parties concerned. Where a party fails to nominate such a person within 15 days the Registrar may himself make the nomination.

The Honourable Mr. A. M. K. DEHLAVI: Sir, the amendment which I wish to move is as follows:—

Clause 56: In line 1 substitute "any decision of the Registrar's nominee" for the words "an award". In line 2, for the words "an arbitrator" substitute the words "the Registrar's nominee."

Omit the last 5 lines of the clause from the words "or if either"

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, there is only one difficulty. I find that an appeal is allowed against the arbitrators' award, which is against the provisions of the Civil Procedure Code.

The Honourable Mr. A. M. K. DEHLAVI: The appeal is against the order of attachment.

Mr. G. B. PRADHAN: I waive my objection, because it is only as regards the order of attachment.

Question proposed.

The Honourable the PRESIDENT: The clause as amended, will read as follows:

"Any party aggrieved by any decision of the Registrar's nominee made under section 54 or an order passed under section 55 by the Registrar's nominee or arbitrators may within one month of the date of the award or order appeal to the Registrar and the Registrar shall decide the appeal himself."

Question put and carried.

Clause 56, as amended, ordered to stand part of the bill.

Clause 57 (*Finality of order*).

An order passed in appeal under section 56 shall be final and conclusive. The award of an arbitrator or arbitrators or a decision by the Registrar under section 54 shall not be liable to be called in question in any civil or revenue court.

The Honourable Mr. A. M. K. DEHLAVI: Sir, there is an amendment to clause 57.

The Honourable the PRESIDENT: Clause 57 has already been passed, but I said I would permit any consequential amendments to be moved.

Rao Bahadur A. U. MALJI: Sir, instead of the words "an arbitrator or", the word "the" should be substituted.

The Honourable the PRESIDENT: The Honourable Minister was just pointing it out.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move the following amendment:

In clause 57, line 2, omit the words "an arbitrator or" and substitute the word "the". In line 2, after the word "Registrar" add the words "or his nominee".

The Honourable the PRESIDENT: The amendment as proposed will amend the clause, and it will read as follows:

An order passed in appeal under section 56 shall be final and conclusive. The award of the arbitrators or a decision by the Registrar or his nominee under section 54 shall not be liable to be called in question in any civil or revenue court.

Mr. M. R. JAYAKAR (Bombay University): Sir, may I point out one difficulty? The words "award of the arbitrators or the decision by the Registrar" are all right, but when the draft uses the words "or his nominee" and says that it is not liable to be called in question, I think to that extent it conflicts with the provisions of clause 56, where the decision of the nominee is liable to be called in question in appeal.

The Honourable Mr. A. M. K. DEHLAVI: The nominee working for the Registrar.

Question put and carried.

Question again proposed Clause 59 (*Money how recovered*) do stand part of the bill.

Mr. S. S. DEV (West Khandesh District): Sir, I beg to move the following amendment to clause 59 in place of the one already moved by me:

In clause 59, for the first 2 lines, substitute the following:

"Every order passed by a liquidator under section 50, or by the Registrar or his nominee or arbitrators on disputes referred to him or them under clause (g) of section 50 or under section 54, every order passed in appeal under section 56, and every order passed by Government in appeal against orders passed under sections 50 and 54 shall, if not carried out, be executed."

Question put and leave granted to amend the amendment.

Mr. S. S. DEV: Now, on this amendment, I have nothing more to say than that I have inserted all those orders which, I found, were left out probably by inadvertence.

Question put and carried.

Clause 59 as amended ordered to stand part of the bill.

Clause 64 (*Appeals*).

An appeal against an order or decision of or sanctioned by the Registrar under section 10, 16, 45, 47, 50 or 54 may be made by any party aggrieved or affected by the order or decision to Government within two months of the date of the communication of the order.

Mr. V. N. JOG (Dharwar District): Sir, I have to suggest a small amendment to clause 64. It is consequential because clause 52 has now been allowed to be introduced by this House and that clause has to be mentioned in this clause. An appeal has to be provided for against a decision under that section.

The Honourable Mr. A. M. K. DEHLAVI: There it might be mentioned as the old clause 52.

The Honourable the PRESIDENT: The Honourable Minister must make up his mind as to what number he is going to give to that clause. That is a simple matter.

The Honourable Mr. A. M. K. DEHLAVI : I think it will be 50A.

Mr. V. N. JOG : Sir, I beg to move :

In clause 64, add the figures " 50A " between " 50 " and " or "

The Honourable the PRESIDENT : I will allow it : it is a consequential amendment.

Question put and carried.

Clause 64 as amended ordered to stand part of the bill.

Mr. J. A. MADAN : Sir, I beg to move :

Add a new clause 64A, after clause 64, as follows :

" 64A. The Government and the Registrar may call for and examine the record of any inquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit "

Sir, I do not propose to speak very much on this clause because I believe it is the inherent power of Government and of superior officers to examine the record of any enquiry or proceedings of their subordinate officers, if the Government or the superior officers are to be responsible for the work done by their subordinates. In a recent case the order of an officer was very unfair, but owing to the fact that there was no power of calling for records and revising the order it could not be altered. I think it is necessary that this power should be obtained by Government. In the case of the Land Revenue Code, the Collectors have power to examine the record of inquiries and proceedings of Assistant Collectors, or Deputy Collectors and Mamlatdars.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I oppose this amendment as it is a dangerous part of the bill. I think the usual official procedure adopted by the subordinates is quite enough for the purpose of this matter and I think every head of the department does possess this sort of power, but I do not see why we should insert these powers in the bill. The registrar or Government may call for and examine the record of any inquiry or the proceedings of any officer subordinate to them and may modify, annul or reverse those proceedings altogether. I think the registrar or even Government by virtue of their position are empowered to ask their subordinates to produce papers and accounts, but I do not see why they want these powers to be included in the Act. Even the honorary organisers and liquidators are subordinate to the registrar and the registrar can call for their papers and accounts. But if these powers are incorporated in the bill they appear to be arbitrary powers so far as these voluntary workers are concerned, and I therefore oppose this amendment.

Mr. L. B. BHOPATKAR (Poona City) : Sir, on a point of information, the words used are the proceedings of any officer subordinate to them. The word ' officer ' is defined in clause (3) as including the chairman, member, etc., and I wish to ascertain from the honourable mover

[Mr. L. B. Bhopatkar]

of the amendment whether a chairman of a bank or a society is considered to be an officer subordinate to Government.

Mr. J. A. MADAN : Sir, a chairman and a secretary are not subordinate to the registrar.

Mr. V. N. JOG (Dharwar District) : Sir, after this explanation, I beg to support the amendment moved by the honourable member the registrar. It is quite necessary to examine the legality of the orders and proceedings of any officer subordinate to Government and the registrars.

Mr. J. A. MADAN : Sir, I have very little to say in reply. The honourable member for Kaira said that these powers are already possessed by the registrar. If that is so, I do not know why he should object to them now. As regards arbitrators there are statutory powers given to them under the statute and there will be no appeal against their decisions and they will not be subject to revision under this section, because the arbitrators are not officers subordinate to the registrar. As regards liquidators their orders are subject to the sanction of the registrar. As I have explained, the officers of the societies are not subordinate to the registrar.

Mr. M. R. JAYAKAR (Bombay University) : Sir, on a point of information, may I know why the honourable member says that the words "officers subordinate" will not include every arbitrator? So far as the decision of the arbitrator is liable to appeal to the registrar, to that extent, I think, he is subordinate to the registrar.

Mr. J. A. MADAN : The decision of the arbitrators is not liable to appeal to the registrar.

The Honourable Mr. A. M. K. DEHLAVI : Sir, there is nothing to be said in connection with this amendment. The decision of the arbitrator is not subject to appeal to the registrar, and, therefore, of course the arbitrator does not come in as a subordinate officer.

Question put and carried.

Mr. J. A. MADAN : Sir, I beg to move :

"After clause (63) change the heading 'appeals' into 'appeals and revision'."

Question put and carried.

Clause 72 (*saving of existing societies*).

(1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted, under the said Acts shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

Mr. R. G. SOMAN (Satara District) : Sir, I beg to move :

"In clause 72, sub-clause 2, line 1, substitute the word 'and' for the comma and delete the words 'and orders'."

I move this amendment only with a view to bring to the notice of this House that there is the possibility of certain orders having been passed under the previous Act which are consistent with the provisions of the

[Mr. R. G. Soman]

present Act, the Act that is likely to be passed after the third reading; but which were not legal under the previous Act, and I submit that those orders should not be covered by this clause, and I would like the word "legal" to be inserted before the word "order", but if that cannot be done, then I think the word "order" should be deleted.

Question proposed.

Rao Bahadur A. U. MALJI: Sir, I oppose this amendment. In fact the present provision is word for word copied from the current Act, and any orders that may have been passed under the current Act must be considered as having been passed under the present Act. Unless that is done those orders will be inoperative and bad. If that is the meaning, all that has been done will have to be nullified. But those orders ought to be sustained and this is a necessary provision.

Mr. R. G. SOMAN (Satara District): I believe that the Honourable Minister will be pleased to take up the suggestion which I made in my opening remarks, namely that I would even like to retain the word "orders", but so far as the orders under the provisions of the previous Act are concerned, the word "legal" may be inserted before that word. If not, my amendment should be accepted.

The Honourable Mr. A. M. K. DEHLAVI: Just a word, Sir, in reply, that the orders passed under the existing Act would have to be enforced. Orders under the existing Act, if illegal, would remain illegal. All this change is not necessary at all.

Question put and lost.

Clause 72 ordered to stand part of the bill.

Clause 73 (Repeal).

The enactments specified in the Schedule are hereby repealed in so far as they apply to the Bombay Presidency to the extent specified in the fourth column of the said schedule.

SCHEDULE.

Enactments Repealed.

(See Section 73.)

Year.	No.	Short title.	Extent of repeal.
1912.	II.	The Co-operative Societies Act 1912.	The whole.
1920.	XXXVIII.	The Devolution Act, 1920.	So much as relates to Act II of 1912.
1920.	I.	The Bombay Land Revenue Code (Amendment) Act, 1920.	The whole.

Mr. J. A. MADAN: Sir, I beg to move:

In clause 73, Schedule, before the first entry enter:

"I. Acts of the Governor General in Council."

Question put and carried.

Mr. J. A. MADAN: I now beg to move:

In clause 73, Schedule, after the second entry enter:
"II. Act of the Governor of Bombay in Council."

Question put and carried.

Clause 73, as amended, ordered to stand part of the bill.

Preamble.

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help, and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:

Rao Saheb D. P. DESAI (Kaira District): Sir, I have a small amendment to propose to the preamble, which is almost verbal. It reads as follows:

In the preamble in the third line delete the words "so as" and substitute the words "and also".

The present wording of the preamble may be so construed that promotion of thrift, self-help, and mutual aid are to be cultivated so as to bring about better living, better business, and better methods of production. But my idea is, Sir, that it should be the duty under this Act to bring about this self-help mutual aid and so on and also to bring about better living, better business and better methods of production. With that view I have given this small amendment and I hope there will be no objection on the part of Government to accepting that.

Question proposed.

The Honourable Mr. LALUBHAI SAMALDAS: Sir, my honourable friend from Kaira, as usual, speaks very gently but wants to introduce radical reform in the preamble. He says he only wants to change two words "so as" to "and also". This amendment changes the whole object of the bill. The old Act said that the object of the co-operative societies was to promote self-help, thrift and mutual aid. The select committee has now added, to make the meaning quite clear, words to show that the promotion of thrift will lead to better living, the promotion of self-help will lead to better business and the promotion of mutual aid will lead to better methods of production. The underlying idea of the addition of the words in the preamble by the select committee is that the object of the Act is the same as of the old Act, namely, to promote certain qualities so that it may result in better living, etc. The idea is not that the Act is to take up the direct work of achieving all these results. Other bills may be introduced to bring about these objects. This bill is not intended to do so, Sir. I oppose the amendment.

Rao Saheb D. P. DESAI (Kaira District): Sir, the object of any co-operative work is to bring about the things that are introduced by the select committee, that is, to bring about better living, better business and better methods of production, and all Acts, specially the Acts of other countries, do not contain such abstract words as self-help and mutual aid. I do grant that all these virtues are necessary and all these virtues

[Rao Saheb D. P. Desai]

are cultivated in the members through the practice of co-operative principles. But the main object of the Act should be to bring about better living, better business and better methods of production. That is my idea of the necessity of co-operative societies. It is from the point of view of an economic measure that this bill should be considered, and not as a measure for only cultivating some of the virtues, which should be left to the school-masters.

The Honourable Mr. A. M. K. DEHLAVI : I cannot accept the amendment, Sir.

Question put and lost.

Preamble ordered to stand part of the bill.

The Honourable the PRESIDENT : Does the Honourable Minister propose to go on with the third reading of the bill now ?

The Honourable Mr. A. M. K. DEHLAVI : I would like to move the third reading on Wednesday next, Sir.

BILL NO. I OF 1925 (A BILL FURTHER TO AMEND THE BOMBAY RENT (WAR RESTRICTIONS) ACT, 1918, AND THE BOMBAY RENT (WAR RESTRICTIONS, NO. 2) ACT, 1918).

(As amended by the Select Committee.)

The Honourable Mr. COWASJI JEHANGIR : Mr. President, I beg to present the select committee's report * on Bill No. I of 1925.

The Honourable the PRESIDENT : The report is presented.

The Honourable Mr. COWASJI JEHANGIR : I now beg to move the second reading of Bill No. I of 1925. I do not think,
 Second Reading. Mr. President, that it is necessary for me to make any remarks at all while asking this House to pass the second reading of this bill. I should not think there is one single honourable member who does not by now fully understand the several controversial points that are embodied in the select committee's report, and the simplest way of discussing those points of difference would be to ask honourable members to move their amendments without any further delay. But if any honourable members do make any remarks on the second reading of this bill and want any explanation, I shall be only too happy and pleased to supply that information if it is in my power to do so. Mr. President, I will now request this honourable House to allow this bill to be read a second time.

Question proposed.

Mr. A. N. SURVE (Bombay City, North) : Sir, under Standing Orders, Chapter VIII, Rule 8, Part 2, clause (b), sub-paragraph (1), I move :

That the Bill No. I of 1925 (a bill further to amend the Bombay Rent (War Restrictions) Act, 1918), as reported, be recommitted to the select committee without limitation.

Sir, the extent of approval which this bill has received from the members of the select committee is very well illustrated by the fact that out of

* Vide Appendix D.

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fourteen members eight have written minutes of dissent. Sir, this report has pleased nobody. It has pleased neither the tenant class nor the landlord class. The members who have written minutes of dissent will—I expect—show what are the deficiencies and defects in the amended bill. Therefore, I shall not anticipate them. The grounds on which I seek a recommitment of this bill are three. The first is that rent under Rs. 10 should be de-controlled; the second ground is that additional percentages in respect of mortgaged properties to cover up the difference of rates of interest prevailing now and prevailing in 1916 should be provided for; and the third ground is that clause No. 7 of the bill is defective.

Referring to the first ground, I am induced to move this motion, I may say, firstly, in the interests of the tenants themselves. You will notice from the bill that it proposes to give 30 and 40 per cent. increases when reduced wages and unemployment are staring the public in the face. When I say that decontrol or rather partial decontrol of rents is in favour of tenants I think I must explain myself. Even in the year 1916 rooms fetching a rent of Rs. 5 or under in the Bombay city were not to be found. Therefore I have confined my attention only to rooms with rents between Rs. 5 and Rs. 8 and they really form the bulk of single room tenements in Bombay. From the Deputy Rent Controller of the city of Bombay, in order to be very accurate, I have obtained the following figures of rent which tenants will have to pay if, 30 per cent. and 40 per cent. increases would be given, and these are the figures which he has given to me. For a room with a rental of Rs. 5, the basic rent of 1916, the tenant to-day is paying Rs. 5-14-0. With 30 per cent. increase he will be paying Rs. 6-10-0 and with 40 per cent. increase he will be paying Rs. 7-2-0. Next as regards the basic rent of Rs. 6, the tenant to-day is paying Rs. 7; with 30 per cent. increase he will be paying Rs. 7-15-0 and with 40 per cent. he will be paying Rs. 8-9-0.....

Mr. P. G. JOSHI: On a point of order, Sir, I ask whether the honourable member is relevant so far as he is giving these figures.

The Honourable the PRESIDENT: He is perfectly relevant. He is trying to show why the whole matter should be sent back to the select committee for reconsideration.

Mr. A. N. SURVE: As regards the basic rent of Rs. 7, the tenant is to-day paying Rs. 8-4-0 and with 30 per cent. increase he will be paying Rs. 9-5-0 and with 40 per cent. increase he will be paying Rs. 10. These will be the rents which the tenants will have to pay if the bill as amended by the select committee is accepted by the House.

The Honourable Mr. COWASJI JEHangIR: When the honourable member talks of 30 per cent., I presume he means an increase of 50 per cent. on to-day's rents.

The Honourable the PRESIDENT: I should like to inform honourable members what the real procedure on the occasion of the second reading as regards these points of order is. The object of the motion for the second reading is that honourable members may discuss the whole bill

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and give expression to their views in regard to all the principles that are arising out of the consideration of the whole measure. There is rarely a question of order unless the honourable member is entirely irrelevant, in his speech on the second reading. There is hardly anything that can be out of order when moving an amendment on the second reading and every honourable member is entitled in his speech on the second reading to deal with every aspect of the bill.

Mr. A. N. SURVE : I am referring to the 30 per cent. recommended by the select committee. Sir, I say that if inducement is given to the landlord that he will be free from the control of the Rent Act provided he keeps his rent below Rs. 10, I am sure that in order to obtain that exemption from the operation of the Rent Act he will not increase the rent as he will be entitled to do if the bill is passed into an Act. Granting that the landlord is a wicked creature—and some really are—what will happen? The Development rooms are available to-day. I shall give you the exact figures later on. The rent in those chawls (Development Chawls) varies from Rs. 6-8-0 to Rs. 10. The tenant who will be driven out by his wicked landlord can go to the Development rooms. He will not have to go and lodge himself in the streets. I say this thing will never occur and I have good reason for saying that. Sir, the effect of the existence of the Rent Act upon the landlord class is very graphically summarised by the Land Manager of the City Improvement Trust. He says in his note under date of March 12th, 1924 :—

On account of the existence of the Rent Act the position of the tenants is such that they can *baffle* their landlords notwithstanding the latter's vigilance and precautionary measures. They even *defy* the landlords and subject them to innumerable and insurmountable difficulties in the way of collection of their dues. Usually, no tenant pays his dues in advance as provided for in the conditions of Board's tenancies and no action can be taken in the court to enforce this proviso, as the tenant cannot be dragged there until he falls into arrears of at least two months' rents. The tenants knowing this and our helpless position fully well have made it a point never to pay rent till they are full three months in arrears and that too only for one month, invariably being in arrears for two months.

Issue of distress warrants on the goods of the tenant is out of question under the existing rules of the Small Causes Court Act which prohibit attachment of apparels, utensils, bedding and all the necessaries of life and these are mainly the possessions of our tenants. The service of notices to vacate means immediate and absolute cessation of payments of any rents. By the time they vacate, which is never the case except absence, without filing ejectment suits there is very heavy accumulation of arrears to be ultimately written off. The process of filing suits and getting through the ordeals of the court and of obtaining consequent decrees for vacation take up months and all this time the board's arrears of rent swell up like anything. On filing suits for recovery of board's dues the decision of the courts is invariably payment by small instalments, which are even less than a month's dues and which are never paid by the tenants. On failure to pay the instalments, a fresh decree has to be obtained against him, but by the time this decree becomes mature the tenant becomes scarce by leaving the board's premises and the board's dues unpaid at the same time. All this increases the court costs without any advantageous result to the board."

Sir, this is the position of a well organised board, having plenty of money and many servants who can look to this kind of work; still, with all that organisation at their command, the board finds that the tenants baffle them. Now, if that is the position of a rich corporation like the City Improvement Trust, what must be the position of poor landlords, who have neither rent collectors nor the money

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to go to a court of law? From a statement prepared in the year 1918 it appears that the owners of properties in Bombay were about 16,094. Of these, no less than 7,569 landlords had incomes of less than Rs. 300 a year, or Rs. 25 a month; that is nearly 50 per cent. of the landlords of Bombay, who are represented as wicked, are really so very poor as not to have a monthly income of Rs. 25 by their rents. Can you expect such poor landlords to go to a court of law and obtain their dues from the tenants who know their strong position under the Rent Acts and who take the fullest advantage of it by not paying their rents? Therefore I say that if you decontrol rents, the landlords, in order to be rid of the operation of the Rent Act, will not increase the rent. The landlord will consider it a great boon and will remain out of the operation of the Rent Act rather than increase his rent and come under its operation. In these days, which are very hard for the tenant class, we must give an indirect inducement to the landlord not to increase the rent. We must not tell the landlords "We give you some increase, you better keep quiet", but we must give them an inducement to be out of the clutches of the Rent Act, and they themselves will not increase the rent. It is with this hope that I have suggested that there should be a partial decontrol of rents.

Now, let us look at the question from the point of benefit to the entire pre-idency, and not only from the point of benefit of the poorer section of the Bombay tenants. The state of affairs on 11th July 1925 was as follows: The number of rooms available for letting in the Development chawls is 6,717. Out of these only 3,773 are actually occupied. These figures I have obtained from the Secretary of the Development Directorate, therefore no one need doubt their accuracy. To-day, out of these rooms 2,944 are actually unoccupied. Even at a moment's notice these 3,000 rooms can be brought into service.

Khan Bahadur D. B. COOPER: Why are they vacant?

Mr. A. N. SURVE: Because there are no tenants to occupy them, as the Rent Act is in existence which has suspended the operation of the law of demand and supply.

An Honourable MEMBER: It is because the rents are too high.

Mr. A. N. SURVE: No. The economic rent is Rs. 13 per mensem but it is brought down so low as Rs. 6-8-0 per mensem and the deficit thus caused is made good out of the cotton cess. Before the 31st December 1923, 9,827 more rooms will be ready for occupation. Most of them are nearly ready now, but the final touch has not been given. Thus by the 31st of December 1925 nearly 12,771 (2,944 + 9,827) rooms will be vacant. That is only so far as the rooms of the Development Directorate are concerned. Add to that figure the rooms which are vacant in the estates of the City Improvement Trust. Their rooms are also vacant. The Chairman of the Improvement Trust has kindly given me the following figures. At present, there are 300 rooms in the Mazgaon estate and 250 rooms in the Foras Road estate vacant. Add all these vacancies together and see what is its effect. The effect is that nearly

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13,000 rooms will be ready for occupation by 31st December 1925 in the properties of these two public bodies. Be it noted that I have taken no notice of the vacancies in private buildings which I am told amount to nearly 20,000. Sir, the figures which were given by the Honourable the General Member to the members of the select committee were only sampled figures; they were not figures referring to the whole city, but only selected areas were chosen and according to the figures obtained there, general conclusions were drawn from them for the whole city. He had stated that if there are 12 per cent. vacancies then control is no more necessary. He will correct me if I am wrong. He had laid down that general proposition for our guidance. Leaving aside these sampled figures which are unreliable for the reasons stated, let us look at more authentic figures. According to the Census Report, in Bombay the single room tenements are 1,75,000. On these figures, if you work out the percentage of vacancies in the Development and Trust chawls, you will find that 7 per cent. of the tenements are vacant. Add to that 20,000 vacancies in the private buildings and percentage of vacancies would at once leap to 19 per cent. Therefore, if the principle enunciated by the Honourable the General Member is to be accepted, I shall be perfectly justified in saying that partial decontrol of rents may safely be accepted because the figures given by me are more reliable inasmuch as they are not sampled figures and because the percentage of vacancies is not only 12 but 19.

Now, let us look at the financial aspect of this question, and that is the most important and essential question. It is a question which involves several lakhs of rupees belonging to the general revenues of the presidency. Coming to the figures, let this honourable House note that the housing scheme, incompleated as it is, absorbs in interest and sinking fund charges alone Rs. 23,76,000. I am giving only a few material items because I do not think I need go into the details. The interest and sinking fund charges are more than 23 lakhs; municipal taxes come to Rs. 3,34,000; and these with the management and establishment charges and sundries bring the total up to Rs. 31,41,000. Therefore, under the Development housing scheme our commitment at the beginning of the next year will be over 31 lakhs. What will be our income? On the basis of 10 per cent. vacancies (that is on the assumption that 90 per cent. rooms are occupied and not vacant) the income is estimated at Rs. 14,85,480. That means there will be a deficit of Rs. 16,55,520. So that, the deficit of 16 lakhs and over will have to be made up. The House will be told that there is the cotton cess from which we are raising nearly 16 lakhs. But even if the cotton cess is appropriated, which means its diversion from its legitimate object, it cannot wipe out the deficit completely because the estimate is based on the assumption that all the rooms after allowing 10 per cent. vacancies in the Development chawls are actually occupied. Now, let me tell the House that in the month of May the actual rent that was recovered amounted to only Rs. 33,200. Estimate the year's rent on that basis, it will amount to Rs. 3,98,400

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That means that at the end of the year, the presidency will be called upon to make good the deficit of Rs. 10,87,080 (Rs. 14,85,480—3,98,400). I very respectfully call the attention of this House that if these rooms are not occupied in the meantime, at the next budget time, this honourable House will be asked to make good this deficit of nearly 11 lakhs of rupees. We are told that we have no money. But here we find that 11 lakhs of rupees are to be utilised in merely keeping the rooms of the Development chawls unoccupied (An honourable member: What is the remedy?). The remedy is to partially decontrol the rents, consistently with the protection of poor tenants. The Honourable the Finance Member will perhaps tell us why he is making a present of this enormous sum to only a section of the Bombay tenants. He is making this present out of the general revenues of the presidency, starving educational and other pressing demands, only to please a small section of the Bombay tenants who are not occupying premises in new buildings, where rents are high. Let us remember this, that the tenants in the new premises have to pay enormous rents, and to them the Rent Act is giving no protection. In the new premises rents are not likely to be raised now. I am sure the Honourable the General Member will not challenge that statement. That time is past. In the new premises rents cannot be increased. I may tell you that the moment the rents of the Development chawls were reduced the rents in some of the new premises were lowered. Now, if the honourable House is not prepared to decontrol rents after considering the figures I have given, let us see what would be the result of this artificial restriction. Perhaps the opinion of the Collector of Bombay may have some weight; therefore I will place in opinion before the House. He says:

"This evasion by tenants and consequent injury to landlords can only have one result namely, that no persons other than fools will in future invest money in building houses especially for the poorer classes. It is a mistake to suppose that Government can or should undertake to house all who require accommodation. It is far better to leave this to private enterprise. There is already a strong feeling growing in Bombay that it is a mistake to invest money in house property or in building houses. The result of course will be that after a few years the housing shortage will become more acute than ever."

Let us see what is the effect of this artificiality on the Development schemes. This House knows that Government had proposed to build 50,000 single room tenements for the working classes. It is not a mere promise. It is a statutory obligation. I will refer the Honourable the General Member to Act XX of 1920. The second clause of the preamble of that Act reads as follows:

"And whereas it is expedient that Government should as a primary object construct 50,000 tenements for such classes in the Town and Island of Bombay."

"Such classes" means the working classes. But Government have not yet constructed the 50,000 tenements. They have so far made provision to build only 16,864 rooms. As to the remaining 23,136 single room tenements, whether they will be built has now become very problematical. That is one of the results of this artificiality. Perhaps the honourable the Chairman of the Improvement Trust, who is in this House, can give his own experience as to

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what is the effect of the Rent Act on the sale of plots of land belonging to that body. Thus, you will see that partial decontrol of rents is both in the interest of the tenants, as regards supply of tenements, as well as in the interest of the presidency as a whole from the financial point of view.

Now, I turn to the second point, namely, that some provision should be made in the case of those landlords who have mortgaged their premises. Perhaps I might state to this House that when in 1921 the Rent Act Committee was appointed, it examined this question very thoroughly and its conclusions were that in the year 1916 nowhere in all Bombay property made a return of more than 5½ per cent. That committee had even calculated what return if 50 per cent. increase over the rents of 1916 were given the landlord would obtain. Its finding was that it would give about 8 per cent. We know that 50 per cent. increases are not granted, therefore the return that house property is giving in Bombay is considerably less than 8 per cent. Let us now look at the rate of interest prevailing in 1916 and that prevailing to-day.

In 1916, one could very easily obtain loans at 6 per cent. but to-day even if one secures a loan at between 12 to 15 per cent. it is considered a very cheap rate of interest for mortgages. Therefore, it will be seen that property is yielding less than 8 per cent. return and the landlords are called upon to pay interest on mortgages at a rate varying from 12 to 15 per cent.

Another point to be noted is that in Bombay—the lawyer section of this House very well knows that—under the Transfer of Property Act there is a section by which a mortgagee in Bombay city can sell the mortgaged premises without the intervention of the court. The only thing necessary is that interest for 3 months should fall in arrears. The moment 3 months' interest is in arrears nothing further is required. The mortgagee can advertise the property for sale by auction or private negotiation and it is sold. Honourable gentlemen coming from the mofussil will bear in mind that there are no preliminary and final decrees as in mofussil courts. In Bombay the assistance of a court of law is not at all necessary. The mortgagee can sell off the property provided 3 months' interest is in arrears. I give you one particular instance. In 1922 when the Rent Bill was being discussed in this House I brought to the notice of this House one singularly sad instance. At that time I told this House that one landlord was actually receiving Rs. 1,075 from his property by way of rents whereas for interest and municipal charges he was paying every month Rs. 1,175, that is, he was out of pocket to the extent of Rs. 100 per month. I have been watching.....

Mr. D. B. ADWANI: Sir, is the honourable member in order in going into all these details?

The Honourable the PRESIDENT: There is no time limit.

Mr. A. N. SURVE: I have been watching that gentleman's case. At that time I had brought it to the notice of this House that this gentleman was paying out of his pocket Rs. 100 per month, and this cutting

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which I have in my hand will show that that man's property is advertised in the papers for the purpose of being sold by auction. I had recommended that gentleman to see the Honourable the General Member and to put his case before him, which he did, but with what result I do not know. May I humbly request this House to consider the extent to which the value of properties has fallen down at the present time? A property which in 1918 was valued at 1 lakh would hardly realise to-day Rs. 25,000 to Rs. 30,000. When property has depreciated to such an enormous extent, can it be expected that the mortgagee will meekly allow his principal to be lost? The moment he finds that three months' interest is in arrears, the first thing he does is that he advertises the property and it is sold by auction. In the auction the full value of the property is not realised and the debt remains unpaid and the owner of the property is ruined. Therefore is it not necessary that some provision should be made whereby such sad consequences in future at least may be prevented? This question was raised in the select committee, and I am sorry to say that it did not receive the attention which was its due.

Then coming to the third ground, I beg to draw the attention of this House to clause 7 in the bill. Clause 7 in the bill reads as follows:

"If in the case of any small premises of which the standard rent has been fixed the tenant has not occupied the premises for six successive weeks and has failed to pay one month's rent due in respect of the same the premises may be excluded from the operation of this Act and the principal Act."

The meaning of this clause is this. That if a tenant fails to pay rent of one month and has not occupied the room for six weeks, the room under this clause is removed out of the operation of the Rent Acts. If this clause in the present form is passed what will happen? The moment the landlord will obtain possession of such room then he can let it at any fancy rent he chooses. That would result in inequality. If in the same house one room is paying six rupees then another room which has obtained exemption under this clause can be let for eight rupees. May I inquire if that was the intention of the select committee? I might explain what happened at the select committee. The original clause in the bill stood thus:—

"That the landlord should after three months obtain possession of the room."

That clause was strongly objected to. Therefore a fresh penalty clause was drafted, but even that did not meet with the approval of the members who were present at that time. Therefore only the lines on which the clause should be drafted were discussed and we dispersed. The clause as it stands to-day in the bill we never had before us in the select committee. The first time we knew of this clause was when the report of the select committee was sent to us for our signature. If the clause were to be placed before the select committee I am sure it would not have found a place in the bill; because, what does it mean? It means that you are going to take out the premises out of the control of the Rent Act.

The Honourable Mr. COWASJI JEHANGIR: Sir, my honourable friend is not quite stating correct facts. He is repeating to the House

[Mr. Cowasji Jehangir]

what took place in the select committee. But if he has to repeat what took place I would ask him to be accurate. He did not follow exactly what took place in the select committee and it is risky to state to this House what he was not able to follow.

Mr. A. N. SURVE : The Honourable Member brings a charge of inaccuracy against me, but, Sir, may I ask him whether he placed this clause before the select committee for its approval ?

The Honourable Mr. COWASJI JEHANGIR : It was placed.

Mr. A. N. SURVE : May I remind him that it was only the penalty clause which was placed before the select committee in draft form, and because it was not approved therefore a discussion ensued, in which only the general lines were considered and it was left over to draft a clause on those lines ?

The Honourable the PRESIDENT : The honourable member will please address the chair.

Mr. A. N. SURVE : The clause in the bill was not drafted, nor was it approved by us. Only the outlines of the clause were discussed, but the clause as it appears to-day was never placed before us in the select committee. So there is no question of inaccuracy. To come to the point in issue, I submit that under the clause, A makes a default and B is punished for that, that is to say, the tenant who is absconding is not punished but the man who goes into occupation of the room will be punished for his predecessor's fault.

As regards the actual state of affairs perhaps the opinion of the Municipal Commissioner may be of some interest to this honourable House. The Municipal Commissioner writes on 28th February 1924 :—

" During the past two years the rents which can be obtained in the open market for all classes of premises have undoubtedly fallen considerably. This is particularly the case in respect of business premises and the larger residential properties but it is by no means confined to properties of this description. The result is that at present the divergence between the controlled rents and the rents in the open market is comparatively slight and the difference is lessening almost daily. In some cases which have come to my notice the rents actually charged are even less than the standard rents and though this is of course unusual, the fact goes to show that the circumstances at the present time no longer warrant the interference with the rights of private ownership which Rent Acts involve. In the circumstances I am of opinion that it would not be justifiable to continue emergency legislation of the nature of Rent Acts any longer. "

This is the opinion of a disinterested officer who is interested in the welfare of the city and if he says that the Rent Act is actually doing harm, I should think that we should consider very seriously the extent to which we should keep this Act in force.

Then coming lastly to the defects of this Act, I may draw the attention of this House to the fact that Shakespeare has written the *Comedy of Errors* but in the Bombay Presidency, on its statute book is enacted a *Tragedy of Errors*. Sir, in the year 1918 when the Rent Act was on the anvil, it was supposed that there was a shortage of 50,000 single room tenements. That was the opinion of one officer and on that opinion action was taken and now in the year 1925 we are told that that opinion was incorrect. 50,000 tenements are not required now : less than 20,000

[Mr. A. N. Surve]

will do. That is what was told to this House in last February. That is error number one. Now, look at the second error. The second error was about 10 per cent. increase. In 1918 this House was told that the cost of repairs was 1 per cent. of the gross rent. Therefore 10 per cent. increase of 1918 was quite ample; but later on it was discovered that it was 1 per cent. of the cost of construction and not on the gross rent. As a matter of fact the rate of repairs came to nearly 5 per cent. of gross rent. I say nothing about sub-letting because it is well-known. I am only pointing out that several errors have been committed by this sort of rushing through bills and measures and thereby the classes and masses have suffered and are suffering.

If the bill is re-committed, what will be the result? Nothing will be lost, because the House knows that the Rent Act will remain in force till December 1925. We have still one more session as we shall be meeting again in the month of October. If this bill is sent to the select committee, it can come before this House at the October session and perhaps with fuller and better investigation we may be able to bring about a more equitable bill which will be in the interests and welfare of all classes.

Lastly, the points which I have raised are very important because continuance of the Rent Acts means a charge of about 22 lakhs of rupees for two years, and the presidency and this House must be prepared to sanction that large amount if this House is not going to reconsider the bill. Therefore, to conclude, I say that in the interests of the presidency as a whole, in the interests of the landlords to whom we are bound to be fair (landlords may be wicked but they must be treated fairly, we cannot treat them unjustly) and in the interests of the poor tenants also who will be unable to pay this 30 per cent. or 40 per cent. increase, the bill should be re-committed to the select committee.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, in the select committee what I pointed out to the honourable the Chairman was that as the object in introducing the present bill was to revive the life or to extend the period of these Acts which would disappear from the statute book by the end of December 1925, both the Acts are before the select committee and not only those sections which were introduced into the bill. I make a distinction between the Acts which are to remain on the statute book and only a few sections of which are sought to be amended, but here are the Acts which are to disappear from the statute book, and when the object of the bill is to revive or extend the Acts to a further period, then the whole Acts are before the select committee and we can consider each and every section of these Acts. I was ruled out of order. So if your ruling, Sir, is also to the same effect, then I see no reason why the bill should again go to the select committee because we should then be risking the passing of this bill because there is only one session before us. But if your ruling is that both the Acts were before the select committee to consider each and

[Mr. G. B. Pradhan]

every section as the object of this bill was to revive the period of those Acts, then the bill has to be sent to the select committee a second time.

The Honourable the PRESIDENT: Repeated rulings have been given to the effect that whether an Act is going to terminate at some future date or not makes no difference. Honourable members should realise that every Act is terminable by the vote of this House. There is no such thing as a permanent place on the statute book for any legislation passed by this House. This Council, which has the power of passing legislation, has also the power of repealing legislation. In the one case honourable members fix a given date within which that Act should terminate, while in the other case they reserve to themselves the power of terminating it at any date they like, by introducing legislation to that effect in accordance with rules and Standing Orders. In my opinion, the distinction which the honourable member tries to make does not exist.

Then, the other ruling which has been applied repeatedly is that the House can only deal with those parts of an existing Act—the amending bill is in regard to existing Acts—which have been submitted to its jurisdiction. I therefore rule that the House is entitled to discuss only those parts of the Acts which are submitted to its jurisdiction.

I should like to know in the first place what procedure honourable members desire to follow. Ordinarily, I would have preferred that the motion for the second reading and the amendment for re-committal should be discussed together, so that we can save the time of the House. I know that there is a considerable amount of feeling in regard to this measure, and if there is any section of the House which desires that the amendment should be discussed by itself and that after it is disposed of, honourable members should discuss the motion for the second reading, I am prepared to meet the wishes of those honourable members. If such wish is not expressed, then I propose to follow the usual procedure of discussing together the original motion for the second reading and the amendment asking for a re-committal of the bill to the select committee.

Mr. K. F. NARIMAN: May I suggest, Sir, that it would be more convenient to dispose of the amendment moved by the honourable member who spoke last and then go on to the discussion of the second reading?

Sir VASANTRAO A. DABHOLKAR: I agree with my honourable friend Mr. Nariman that the amendment should be disposed of first.

The Honourable the PRESIDENT: Then, I take it that that is the general feeling in the House?

Question put and agreed to.

The Honourable the PRESIDENT: I have ascertained the views of the House and I will on this occasion allow the amendment to be discussed by itself and then allow a full discussion on the motion for the second reading.

Mr. K. F. NARIMAN (Bombay City, South): Sir, it would have saved a considerable time of the House if the House had known the attitude of the Government benches on this amendment. If the Honourable the

[Mr. K. F. Nariman]

General Member is going to oppose this amendment, then I take it that it is not necessary to take up a long time of the House in discussing the motion. I have no other object in rising to speak now than that of ascertaining whether Government is going to oppose the amendment.

The Honourable Mr. COWASJI JEHangIR: Yes, Government are going to oppose this amendment.

Mr. K. F. NARIMAN: Then I appeal, Sir, to my honourable friends not to waste the time of the House by speaking on the motion for re-committal; at least I do not wish to waste the time of the House in doing so.

The Honourable the PRESIDENT: If no honourable member wishes to address the House, there can be no reply, unless the Honourable the General Member wants to say anything.

The Honourable Mr. COWASJI JEHangIR: No, Sir. I have nothing to say.

Motion for re-committal of the bill to select committee put and lost.

The Honourable the PRESIDENT: We shall now proceed with the further discussion of the second reading of the bill. This is a very important bill, and as it is nearly 7 o'clock now, the House will adjourn to 2 p.m. on Monday the 27th July 1925, when we will resume the discussion on the second reading.

Monday, the 27th July 1925.

The Council re-assembled at the Council Hall, Poona, on Monday, the 27th July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ABERCROMBIE, Mr. J. R.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JAYAKAR, Mr. M. R.

JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.
 JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHRO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LAGHARI, HAJI FAZUL MUHAMMAD KHAN
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSEINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MADAN, Mr. J. A.
 MALJI, Rao Bahadur A. U.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH

SAYED MUHAMMAD KAMIL SHAH
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR OF AMOD, the
 THAKOR OF KERWADA, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WILES, Mr. G.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

CAUSEWAY ON THE BHIMA RIVER.

Mr. ABDUL LATIF HAJI HAJRATKHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) whether they are aware of the fact that there is no parapet wall to the newly built causeway on the Bhima river at Pandharpur in the Sholapur district;

(b) if so, do they propose to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
 The information has been called for.

CLERKS IN THE LLOYD BARRAGE OFFICE.

Mr. D. B. ADWANI (Karachi City) : (a) Will Government be pleased to state if it is a fact that there are nearly 35 clerks working in the office of the Chief Engineer, Lloyd Barrage and Canals Construction, while in the other Public Works Department administrative offices in Sind there are only 10 or 12 clerks ?

(b) If so, does the amount of correspondence in the Lloyd Barrage office necessitate the maintenance of so much staff ?

(c) What is the total number of references disposed of by that office during last year, and the average number disposed of by the regularly constituted Public Works Department district offices with 10 or 12 clerks ?

(d) Is it a fact that new and inexperienced clerks are being appointed in the Barrage office on salaries of Rs. 150 and Rs. 220 in preference to experienced clerks who have been taken up from the Public Works Department ?

(e) Is Government aware that this has caused discontent among the latter ?

(f) Is it a fact that in the Chief Engineer's and the Audit offices of the Lloyd Barrage, the majority of clerks are drawn from the communities to which the superintendents of those offices belong ?

The Honourable Mr. COWASJI JEHangIR: (a) No.

(b) There are only 29 clerks in this office, which, unlike the other Public Works Department administrative offices in Sind, is run on the lines of the Public Works Department Secretariat and controls at present as many as 5 Circles and 18 Divisions with prospects of gradual increase to 6 and 29 respectively, while the regular Sind Public Works Department comprises only 2 Circles and 13 Divisions all told. Unlike the regular Public Works Department most of the cases dealt with in this office were largely of an original nature and have to be disposed of without the aid of precedents which abound in the regular charges where the work runs in settled grooves. The preparation of such cases consequently entails considerable labour and time.

(c) The receipts and issues totalled 20,408 last year not including over 2,000 demi-official references and applications and the replies thereto. The average number of references disposed of by an administrative office in Sind is 8 to 9 thousands.

(d) and (e) No. New and inexperienced clerks are generally started in one of the last two grades of Rs. 50—5/2—70 and 75—5—100 according to their qualifications.

(f) No.

Mr. NOOR MAHOMED: Is the Honourable the General Member aware that clerks in the office of the Chief Engineer read newspapers instead of doing work during office hours?

The Honourable Mr. COWASJI JEHangIR: I am not aware of any such fact.

COMPENSATORY ALLOWANCE TO SUBORDINATE OFFICERS.

Mr. D. B. ADWANI (Karachi City): (a) With reference to their reply to Mr. Haji Abdullah Haroon's questions (a), (b) and (c) regarding the grant of compensatory allowance to subordinate officers and clerks at Karachi (*vide* list No. 9, page 21 of the October 1924 session), will Government be pleased to state whether they have now completed the re-examination of the question of the existing local allowance in the places to which the Government Resolution, Finance Department, No. 2837 dated 5th December 1923 refers; if not, when is the re-examination likely to be completed?

(b) If the re-examination has been completed, when are orders likely to be issued?

(c) Is it proposed to grant the said compensatory allowance? If so, from what date?

The Honourable Mr. H. S. LAWRENCE: (a) No.

(b) and (c) The matter will be decided soon.

SALARIES OF PRIMARY TEACHERS.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state whether they are aware (a) that the scale of salaries sanctioned by Government Resolution, Educational Department, no. 560 of 24th March 1924, has caused general dissatisfaction among primary teachers?

(b) that the maximum in the revised scale is lower than that in the old scale ?

(c) that the teachers remain on the same emoluments for years, their pay in the revised scale being lower than their emoluments in the old scale and the difference between the two being made up by a non-pensionable personal allowance decreasing with each increment earned ?

(d) that the rate of promotion in the revised scale is very low, varying from annas five to rupee one per year against annas eight to rupees two in the old scale ?

(e) that the Sind allowance which is admissible to every teacher in Sind has been denied to teachers in the selection grades, and to those in receipt of a personal allowance of rupees five and over ?

(f) that the refund of the said allowance already drawn has caused a serious hardship ?

(g) that a deputation of Sind primary teachers waited upon the Director of Public Instruction in April last and pointed out to him the above hardships. If so, what steps have been taken or are intended to be taken ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made:

EMPLOYMENT OF MUHAMMADANS BY GOVERNMENT.

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased (a) to place on the Council table any circulars that they have issued during the last two years to the heads of departments for the employment of Muhammadans in the ministerial services ?

(b) to give the names of Muhammadan clerks in the offices of the Educational Inspectors, Deputy Inspectors and Head Masters of High Schools and Training Colleges in the Presidency proper in a tabular form pointing out also the offices abovenamed in which there are none ?

The Honourable Mr. H. S. LAWRENCE : (a) Orders were issued in Government Resolution, Finance Department, No. 2610, dated the 17th September 1923, and Government Resolution, Finance Department, No. 2610, dated the 5th February 1925. The attention of the honourable member is invited to the reply given to his question on the same subject in the Council Sessions of March 1924, * and to that given to the honourable member for Ahmednagar (Mr. Navle) in March 1925 † when copies of these Government Resolutions were placed on the Council table.

(b) The honourable member is referred to the Honourable Minister for Education.

MOULVI RAFIUDDIN AHMAD : With regard to reply (b) I am referred to the Honourable Education Minister. My question was to Government. And your ruling, Sir, is that in this respect the notice will be taken as given to the particular Minister.

The Honourable the PRESIDENT : The honourable member works under a misapprehension. As far as I remember, I have never given

* Vide Vol. XI, p. 541.

† Vide Appendix U

any such ruling. The reason why notice is allowed to be given to "Government" is to save honourable members the difficulty of determining which Member or Minister should be asked. It is a facility which the Council Office have been extending to non-official members. Under the Rules and Standing Orders notice has to be given to individual Members or Ministers. The right conceded to honourable members is to ask questions of individual Members or Ministers, and where a question deals with two departments of Government in charge of two different individuals, Government may either give replies through one Member or through both Members, but there is no binding in the matter. The honourable member has in this case put a question which deals with more than one department. One of the departments has replied and the honourable member is referred to the other department as regards the other part of the question. In such a case the honourable member will have to give fresh notice to the Member or Minister concerned.

Mr. P. G. JOSHI: The responsibility is joint, and I think it is incumbent on Government. . . .

The Honourable the PRESIDENT: Honourable members should get the rules and standing orders amended.

Mr. J. C. SWAMINARAYAN: How are we to determine which department is in charge of a particular Member or Minister when the distribution of departments among Members and Ministers is not supplied to us ?

The Honourable the PRESIDENT: The reason why originally I extended considerable indulgence to honourable members was because the list of subjects administered by different Members of Government was not supplied to them. I now understand that Government have supplied the list and it lies on the Council table.

KARNATIC INDIAN CHRISTIANS.

Mr. S. N. ATHAVLE: Will Government be pleased to state—

(a) Whether they are aware of the fact that the Indian Christians of the Karnatic are classed as an "Advanced Community" by Government Resolution No. 2610 of the 5th February 1925 ?

(b) Whether they are aware of the fact that owing to this Resolution Indian Christian young men in that province who are otherwise qualified are refused service under Government ?

(c) On what data was the Christian community in the Karnatic classified as an "Advanced Community" ?

(d) Whether they are aware that a conference representing *all denominations* of the Christians in the Karnatic was held at Hubli in May 1925, at which several non-Christian leaders in the province were present, and a resolution protesting against this classification was unanimously passed ?

The Honourable Mr. H. S. LAWRENCE: (a) Yes.

(b) No.

(c) On advice received.

(d) Yes. The question of the classification of this community is under reconsideration.

Mr. S. N. ATHAVLE: With regard to question (c), from whom was advice received?

The Honourable Mr. H. S. LAWRENCE: Officers of Government.

PECUNIARY HELP TO SANITARY COMMITTEES AND VILLAGE
PANCHAYATS.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) whether there are any Sanitary Committees in existence in the District of Poona;

(b) if so, whether they are in receipt of any pecuniary help from Government;

(c) whether any village panchayat receives any monetary help from Government;

(d) whether any discrimination is made between the aforesaid two kinds of institutions, and, if so, why;

(e) whether Government have laid down any policy regarding the grant of pecuniary help to village panchayats? If so, from what time and where is it laid down?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) Yes.

(b) Yes.

(c) No. The attention of the honourable member is, however, invited to the reply given to part (a) of the question put by the honourable Mr. H. H. Narielvala on 21st July 1925.

(d) Yes. Ordinarily Sanitary Committees are financed by voluntary contributions. The imposition of a compulsory rate under section 18 of the Village Sanitation Act is resorted to only in exceptional circumstances as an emergency measure. The panchayats can hardly expect to be subsidised as the Sanitary Committees are—especially as they have been given powers of self-taxation. Moreover, the care, guidance and control of panchayats have been left to District Local Boards which also have now increased powers of raising taxation under the Bombay Local Boards Act, 1923.

(e) Yes. Government have considered on more than one occasion the question of laying down some general principles for regulating Government grants-in-aid under section 25 (g) and (h) to village panchayats. It was hitherto considered premature to do so as the information before Government was insufficient to permit of well conceived action. A Committee has however been appointed to investigate the data now available and to formulate proposals for the consideration of Government.

ANTI-RABIC TREATMENT AT SASSOON HOSPITAL, POONA.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state—

(a) how many patients were given anti-rabic treatment in the Sassoon Hospital, Poona, during the last year;

(b) how many of them were treated free, and how many had to pay for the treatment;

(c) what amount is generally charged for the treatment?

The Honourable Mr. B. V. JADHAV : (a) 269 patients were given anti-rabic treatment in the Sassoon Hospital during the last year.

(b) 256 patients were treated free and 13 patients had to pay for the treatment.

(c) Persons whose annual income is Rs. 2,000 and above are ordinarily charged Rs. 70. But the charges are reduced by the Civil Surgeon if the circumstances of the patient are found to be such as not to be able to pay the charges. In such cases the patient is charged only the cost of the treatment, viz., Rs. 14.

Mr. L. B. BHOPATKAR : It is stated that the cost of the treatment is Rs. 14, and that persons whose annual income is Rs. 2,000 and above are ordinarily charged Rs. 70. Will the Honourable Minister inform the House on what principle the difference of Rs. 56 is charged?

The Honourable Mr. B. V. JADHAV : I may draw the attention of the honourable member to the fact that out of the 269 patients treated, 256 were treated free and Government had to make up for loss. Those who were well able to pay, I think, ought to be charged a little higher.

Mr. G. I. PATEL : Has Rs. 140 been charged in any case?

The Honourable Mr. B. V. JADHAV : Not.

Mr. G. I. PATEL : Was Rs. 140 charged in other districts?

The Honourable Mr. B. V. JADHAV : If the honourable member gives me notice, I shall find that out.

GOVERNMENT POLICY REGARDING LOCAL SELF-GOVERNMENT.

Mr. L. B. BHOPATKAR (Poona City) : Will Government be pleased to state—

(a) how many places there are which have a population of more than 5,000 but have no municipality;

(b) how many places there are which have a population of 3,000 and more, but which have no sanitary committee or village panchayat;

(c) what the general policy of Government is in regard to such places.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Information is being obtained.

BOOKMAKERS ON RACE COURSES.

Mr. L. B. BHOPATKAR (Poona City) : Will Government be pleased to state—

(a) Whether they have received any proposal to readmit book-makers on the race courses at Bombay and Poona.

(b) If so, whether they have decided to allow them or propose to do so.

(c) If the answer to (b) is in the affirmative, the reasons for the decision.

(d) When bookmakers were disallowed and for what reasons.

The Honourable Sir MAURICE HAYWARD : (a) Yes.

(b) and (c) Government have declined to bring forward as a Government measure any amendment in the law which would legalise the introduction of bookmakers on the Bombay and Poona Race Courses.

(d) Bookmakers on the race courses were disallowed in 1912 to check gambling on the races.

Mr. S. K. BOLE : Do not Government regard the races themselves as gambling ?

The Honourable Sir MAURICE HAYWARD : Is the honourable member asking for my personal opinion ?

Mr. S. K. BOLE : In the first place Government's opinion.

The Honourable Sir MAURICE HAYWARD : I am not entitled to give an official opinion.

LABORATORIES IN KARACHI.

Mr. L. B. BHOPATKAR (Poona City) : (a) Will the Honourable Minister in charge of Education be pleased to state whether he has, as promised by him in the last session, enquired into the necessity of having two laboratories in Karachi ?

(b) If so, will he be pleased to lay on the Council table the report of the enquiries made ?

The Honourable Mr. B. V. JADHAV : Reports already called for from the officers concerned are awaited.

Mr. P. G. JOSHI : Is it not a fact that the reports have already been received, and the Honourable the Education Minister refuse to lay them on the Council table as being confidential ?

The Honourable Mr. B. V. JADHAV : (Inaudible.)

MAHALKARI OF GUHAGAR.

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

(a) whether it is a fact that the mahalkari of Guhagar took the thumb impressions of some agriculturists regarding their complaints against their wish ?

(b) whether the said mahalkari asked the agriculturists to submit to the wishes of the khots ?

(c) if so, what steps Government proposes to take in the matter ?

The Honourable Mr. LALUBHAI SAMALDAS : (a), (b) and (c) Enquiries will be made if the honourable member furnishes definite particulars about the alleged complaints of the agriculturists and when the alleged events occurred.

DEPRESSED CLASS BOYS IN KOTHALE SCHOOL.

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

(a) whether it is a fact that one Mr. Krishnaji Waman Purandare a member of the taluka local board, Purandhar, district Poona, went

into the school at Kothale, taluka Purandhar, and directed the headmaster not to allow the depressed class boys to sit together with the other boys ?

(b) whether the headmaster was transferred on that account ?

(c) whether the mamlatdar carried on a one-sided enquiry and submitted a one-sided report to higher authorities regarding the anonymous letter sent to His Excellency the Governor of Bombay in the matter ?

(d) whether the mamlatdar took the signatures of one Shankar Maruti Kalane on two blank papers ?

(e) whether Shankar Maruti Kalane has written a letter to the Collector stating all the facts ?

(f) If so, what steps has the Collector taken in the matter ?

The Honourable Mr. B. V. JADHAV : Inquiries are being made.

RAILWAY PLATFORM AT NASIK ROAD STATION.

Dr. K. E. DADACHANJI (Bombay City, South) : Will Government be pleased to state—

(a) whether they are aware that the down platform of the Nasik railway station is of uneven and unequal height causing great inconvenience to old and infirm passengers in getting down from the trains ;

(b) if so, do Government propose to take any action in the matter ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) There is a scheme under preparation for the remodelling of Nasik station, when this is taken in hand a standard high level platform will be provided.

Khan Saheb A. M. MANSURI : Is not this a central subject ?

The Honourable Mr. LALUBHAI SAMALDAS : We have been able to collect this information.

Khan Saheb A. M. MANSURI : So Government can give a reply when it suits their convenience.

The Honourable Mr. LALUBHAI SAMALDAS : Government are willing to reply to questions on which information can be obtained and which are not debarred by the Railway Board.

SITTING ACCOMMODATION ON THE UP-PLATFORM AT NASIK STATION.

Dr. K. E. DADACHANJI (Bombay City, South) : Will Government be pleased to state—

(a) whether their attention has been drawn to the want of sitting accommodation for first and second class passengers on the up platform of the Nasik station ;

(b) if so, do they propose to take any action in the matter ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) Adequate provision in the way of waiting room accommodation for first and second class passengers will be provided in the remodelling scheme under preparation.

Mr. S. S. DEV : Are third class passengers better off in the matter of sitting accommodation ?

The Honourable Mr. LALUBHAI SAMALDAS : I do not think the question arises.

PRIZE OF DELHI SCHEME.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state (a) whether they have received a copy of a resolution passed at the public meeting held in Bombay on April 2nd 1925 in connection with the Prize of Delhi Scheme ?

(b) If the reply be in the affirmative will they be pleased to state whether they intend to take any action in the matter ?

The Honourable Mr. B. V. JADHAV : (a) The reply is in the affirmative.

(b) Government are considering the question of addressing the Government of India in the matter.

Mr. M. R. JAYAKAR : Will Government consult public opinion before they address the Government of India ?

The Honourable Mr. B. V. JADHAV : We shall try.

PROCEDURE AT LOCAL BOARD ELECTIONS.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether the local board elections in the Kaira district were conducted by the Collector of Kaira according to the rules under the Local Boards Act and the orders and Press Note issued by Government ?

(b) Is it true that the procedure observed by the Collector differed from that of similar elections in other districts of this Presidency ? If the reply to this be in the affirmative, will Government be pleased to state the reasons for it ?

(c) Will Government be pleased to state in what districts of the Northern Division a practice similar to that of Kaira was followed and in which districts of the same division it differed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) The reply is in the affirmative. (b) and (c) A practice similar to that of Kaira was followed in the Surat district while in the rest of the districts of this division, the practice differed as the Press note about plural voting was issued by the Director of Information after the final publication of the voters' lists took place in these districts.

Rao Saheb D. P. DESAI : According to the reply it appears the Collector of Kaira was exactly carrying out the Government instructions and was conducting the elections as laid down by Government orders and the press note issued....

The Honourable the PRESIDENT : The honourable member is making a statement, and not asking a question.

Rao Saheb D. P. DESAI : Am I to understand by this reply that the Collector of Kaira exactly followed the instructions issued by Government ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : He followed the rules that were made under the Act.

Rao Saheb D. P. DESAI : Am I to understand from the reply to (b) and (c) that other Collectors except those of Kaira and Surat did not follow the Government rules and instructions contained in the Government order ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : They interpreted them differently.

Rao Saheb D. P. DESAI : Am I to know that the interpretations usually given by the Collectors to Government orders may differ ? Are they allowed to interpret Government orders according as they please and not carry out the orders as Government want ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sometimes they differ in interpreting them.

Mr. K. F. NARIMAN : Sir, I rise to a point of order whether an Honourable Minister is entitled not to make a reply to a question put by an honourable member. My submission is this, that this is a privilege given to a non-official member of the House to put questions to the Honourable Members of Government and that privilege becomes futile and useless if at the same time there is a likelihood of the honourable Members or Ministers of Government not replying to questions put to them. My submission, Sir, is that it is your privilege to consider whether a question should be allowed or disallowed. Under the Rules it is said that the President shall disallow any question which he considers to be not within the purview of the rules. First and foremost I would like to point out Rule No.

The Honourable the PRESIDENT : The only relevant Rule that the honourable member can point out is the one which enjoins upon individual Members of Government to answer supplementary questions or questions of which notice has been previously given. Can he point out to me any rule or standing order which imposes any obligation upon any Member of Government to reply to questions ?

Mr. K. F. NARIMAN : My submission, Sir, is that when the constitution gives this right to non-official members to put questions, it also implies a responsibility on the part of Government to answer those questions, as otherwise there is no meaning in this privilege at all, if at all it is a privilege. Supposing Government benches take it into their minds not to answer any questions at all, then what becomes of this supposed privilege of non-official members ?

The Honourable the PRESIDENT : I thought that the present Council has now been in being sufficiently long to enable honourable members to know what their constitutional rights are. Just as no obligation has been imposed upon Members of Government or Ministers to reply to questions or to answer supplementary questions, the constitutional right has been conceded to honourable members to propose a vote of no confidence, to propose a motion stating that in the considered opinion of the House Government are not responding, are not carrying out the obligations imposed upon them by the constitution. Surely, the

honourable member who understands the constitution will realise that, as against the power of not replying, the House has got ample powers to deal with that aspect of the question.

Mr. K. F. NARIMAN : Allow me to quote Rule 10 of the Bombay Legislative Council Rules, which says " Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given ; provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject matter of questions." In my humble opinion, the Honourable Members and Ministers of Government in not replying to supplementary questions, take upon themselves this function to disallow which is given under the rules to you, Sir....

The Honourable the PRESIDENT : Certainly not. Surely the honourable member realises that so far as the power vesting in the President is concerned, he only determines the admissibility of questions and whether, after the question is admitted, the Government Members or Ministers choose to reply or not is entirely their privilege. Will the honourable member please show (and I do not think he can show it) that the President has the power of compelling Honourable Members on the Government benches to reply to a question once it is admitted ?

MOULVI RAFIUDDIN AHMAD : Can a member move an adjournment on the muteness and silence of the members opposite ?

The Honourable the PRESIDENT : The Rules and Standing Orders and the Act are known to all honourable members and they ought to be perfectly aware of the constitutional rights that have been conceded to them.

Mr. P. G. JOSHI : May I know, Sir, whether a Member or Minister of Government can sit silent when a supplementary question has been asked ? They may get up and say that they do not wish to answer a question or that they require notice, but remaining silent is an insult to those honourable members who put the supplementary questions.

The Honourable the PRESIDENT : I do not see any difference between the two.

Mr. R. G. SOMAN : Does Government intend to set aside the elections where the orders of Government were not properly interpreted ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : It is for the courts to decide that.

Mr. R. G. SOMAN : Is the Government aware that certain elections have been set aside on this ground by certain courts and does Government intend to follow the decisions of those courts in the case of other local board elections ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I do not know which cases the honourable member refers to.

REVISED RATE OF ASSESSMENT IN KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether it is true that in some talukas of the Kaira district many villages of one group have been placed in a higher group? If the reply to this be in the affirmative, will Government be pleased to state (i) the names of such villages and (ii) whether they were given more facilities of communication, etc., than those which existed during the last settlement?

(b) whether the lands of any villages had improved and, if so, at whose cost? Please name such villages; and

(c) whether such villages were free from famines?

The Honourable Mr. LALUBHAI SAMALDAS: (a), (b) and (c): It is understood that the honourable member is referring to the revision settlement now under consideration in the Kaira district. He is referred to the settlement officer's draft reports of the Kapadvanj, Borsad, Nadiad, Thasra and Anand talukas, which are deposited for public inspection in the kacheris of the mamlatdars concerned.

Rao Saheb D. P. DESAI: Has Government received the report of the settlement officer?

The Honourable Mr. LALUBHAI SAMALDAS: Yes.

Rao Saheb D. P. DESAI: Are they considering it?

The Honourable Mr. LALUBHAI SAMALDAS: At the proper time it will be considered.

Mr. P. G. JOSHI: In view of the Government declaration that revision settlements have been temporarily suspended, will the Honourable the Revenue Member be pleased to stop all revision work pending the legislation on the lines that will be recommended by the settlement officer?

The Honourable Mr. LALUBHAI SAMALDAS: No, Sir.

NUMBER OF PRIMARY TEACHERS IN THE KAIRA DISTRICT
IN 1920-21 AND IN 1923-24.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state how many teachers there were in the Kaira district in the year 1920-21 and how many there are at present, that is, in the year 1923-24?

The Honourable Mr. B. V. JADHAV:

Year.				No. of Primary Teachers.
1920-21	..	..	..	1,248
1923-24	..	..	..	1,259

TRAVELLING AND DAILY ALLOWANCES TO MEMBERS
OF THE LEGISLATIVE COUNCIL.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the amount of travelling and daily allowances paid

to each member, nominated or elected, of the Bombay Legislative Council for the 1st, 2nd and 3rd session of 1924 for attending Council meetings and committee meetings ?

The Honourable Mr. H. S. LAWRENCE : A statement* furnishing the information called for is placed on the Council table.

PAYMENT OF TOLLS BY LOCAL FUND OFFICIALS.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state whether it is a fact that payments for tolls though paid in the shape of travelling allowance are eventually debited to Local Funds ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes.

POLICE FORCE IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District) : (a) What is the strength of the village police in each Taluka of the Poona District ?

(b) How is it constituted and recruited ?

(c) How is it remunerated ?

The Honourable Sir MAURICE HAYWARD : (a) The strength is as shown below :—

Name of Taluka or Peta.	No. of Police Patils.	No. of Ramoshis.	No. of Naikawadis.
Junnar Taluka	162	95	Nil.
Khed Taluka	178	90	„
Mawal Taluka	168	27	„
Haveli Taluka	145	192	„
Poona City	11	23	„
Purandhar Taluka	92	247	2
Sirur Taluka	80	195	Nil.
Bhimthadi Taluka	80	246	„
Indapur Taluka	86	138	„
Mulshi Peta	81	12	„
Ambegaon Taluka	65	4	„
Dhond	46	80	„
Total	1,194	1,349	2

(b) The patils and ramoshis are appointed from among the members of the watan families according to their turn of service. There is one police patil for each village, while there is no fixed number of officiating ramoshis. It varies according to the size and importance of the village.

(c) The patils get scale remuneration calculated on the amount of land revenue of the village. Most of them have watan lands in addition to this remuneration. Some ramoshis receive remuneration in cash, others in watan lands. A very few have neither cash remuneration nor watan land but work on baluta only.

* Kept in the Secretary's office.

Mr. D. R. PATIL : Are there any proposals before Government to consider the revision of the scale of remuneration of patils ?

The Honourable Sir MAURICE HAYWARD : I believe, not.

PROSECUTION BY DAKOR MUNICIPALITY OF MR. DEVJIBHAI
LALLUBHAI FOR NON-PAYMENT OF PILGRIM CESS.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that Mr. Devjibhai Lallubhai, an Arya-Samajist and a reporter of the *Kheda Vertaman*, refused to pay pilgrim cess at Dakor on 23rd July 1923 on the ground that he was a Samajist and that he did not believe in idolatry and the Dakor pilgrimage ?

(a) whether it is a fact that this gentleman was prosecuted by the Dakor municipality for not paying the pilgrim cess :

(b) whether it is a fact that he deposited the sum of the tax with the magistrate and stated that he objected to the payment on principle ?

(c) will the Government be pleased to state the result of the case.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The reply is in the affirmative. The incident, however, occurred on the 23rd August 1923 and not 23rd July 1923 as stated in the question.

(a) and (b) The reply is in the affirmative.

(c) He was acquitted.

AGREEMENT BETWEEN MR. J. A. KAZI AND THE
MEHELOL TALUKDAR.

Mr. W. S. MUKADAM (Panch Mahals District) : (a) Will Government be pleased to state whether it is a fact that Mr. Jamaluddin A. Kazi passed an agreement with the Mehelol talukdar binding himself not to lease the land to anybody on any account ?

(b) Are Government aware that the said Mr. Kazi has acted against the condition of the said agreement and leased the said land taken for nearly 700 rupees for 11 years to cultivators on an annual rent of 1,999 rupees ?

(c) Is it a fact that Mr. Kazi's cultivators applied to the Collector of Panch Mahals to the effect that Mr. Kazi was warned of the conditions of the agreement at the time of registering the Rent Note but Mr. Kazi did not listen to the cultivators ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes, except that the agreement was with the Mamlatdar of Godhra and not with the Talukdar as the estate is under management.

(b) Yes.

(c) Yes. The applicants had so stated in their application, dated 12th August 1924.

Khan Saheb A. M. MANSURI : What are the relations of the honourable member Mr. Mukadam and Mr. Kazi ?

The Honourable Mr. LALUBHAI SAMALDAS : I do not know. That question does not arise.

The THAKOR OF KERWADA: Are Government considering this matter?

The Honourable Mr. LALUBHAI SAMALDAS: This matter is at present under the consideration of Government.

DISTRICT SUPERINTENDENTS OF POLICE.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state how many District Superintendents of Police there are in the presidency and how many of them are Indians?

The Honourable Sir MAURICE HAYWARD: A reference is requested to the Bombay Civil List.

EUROPEANS IN THE FOREST DEPARTMENT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the number of Europeans in the Forest Department in each of the years 1920, 1921, 1922, 1923 and 1924?

The Honourable Mr. A. M. K. DEHLAVI:

No. of Europeans in the Forest Department.

Year.		Permanent.		Temporary.
1920	..	25	..	1
1921	..	23	..	5
1922	..	30	..	6
1923	..	28	..	3
1924	..	32	..	2

TRANSFER OF MR. INDER, D.F.O.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) the reasons for the transfer of Mr. Inder, D.F.O., from Surat to Nasik?

(b) whether it is a fact that the transfer is due to a conflict between Mr. Pipe, the Superintending Engineer of the Forest Department and Mr. Inder?

The Honourable Mr. A. M. K. DEHLAVI: (a) Mr. Inder was transferred in the ordinary course of events.

(b) No.

GODHRA TELANG HIGH SCHOOL.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased (a) to put on the Council table the rules followed by the Head Master of the Godhra Telang High School in connection with the admission of students to the Institution?

(b) to state whether it is a fact that when admitting students to the Telang High School, Godhra, first preference is given to outsider students, second preference is given to the sons, relatives and protégés of Government servants and the third preference is given to Mahomedan students and if there is any place left local Hindu boys are admitted?

(c) whether they are aware that hundreds of boys are refused admission by the Head Master, Telang High School, Godhra, every year for want of accommodation in the School ?

(d) if it is a fact will Government be pleased to state whether they propose to take any action in the matter ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

ABORIGINAL TRIBE REPRESENTATIVE ON LOCAL BODIES.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to furnish in a tabular form the following information in regard to the representation of the aboriginal or forest tribes in the local bodies, *i.e.*, (a) Municipalities, (b) District Boards, (c) Taluka Boards, (d) Village Panchayats, (e) District Education Boards.

(i) Number of local bodies of each description.

(ii) Number of members of local bodies of each description.

(iii) Number of local bodies of each description that has one or more representatives belonging to aboriginal tribes.

(iv) Number of members of local bodies that has one or more representatives belonging to these tribes.

(v) Names of local bodies which have representatives belonging to aboriginal tribes with the name of the tribe to which they belong.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Information has been called for.

HOSTEL FOR DEPRESSED CLASS STUDENTS IN GUJARAT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether they have any scheme for starting a hostel for the depressed classes students in Gujarat similar to the one started by them in Poona ?

The Honourable Mr. B. V. JADHAV : The answer to the question is in the negative.

Mr. H. H. NARIELVALA : Will Government be pleased to state the reasons why they have no scheme for starting a hostel ?

The Honourable Mr. B. V. JADHAV : Because Government have provided scholarships in proportion of the population of these classes.

RECOMMENDATIONS OF THE TECHNICAL EDUCATION COMMITTEE.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the decision they have arrived at on the recommendations of the Technical Education Committee ?

The Honourable Mr. B. V. JADHAV : Attention is invited to the reply given to the question* on the subject put by the honourable member for the Bombay University at the last October session of the Legislative Council.

Mr. P. G. JOSHI : May I know whether the scheme promised by the Honourable Minister on the recommendations of the Technical Educational Committee has been drafted ?

*Vide Vol. XIII, pages 527 to 529.

The Honourable Mr. B. V. JADHAV : It is not yet complete.

SUBURBAN LOCAL SELF-GOVERNMENT COMMITTEE.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether they have received the report of the Suburban Local Self-Government Committees ?

(b) If so, when they expect to publish it with their own decision ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Yes.

(b) It will be published shortly.

Mr. K. F. NARIMAN : I do not wish to put my questions.*

STAMPS SALE-PROCEEDS.

Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state the amount realised by Government by the sale of (a) General Stamps, (b) Court-fee Stamps in 1892-93 and in 1922-23 ?

The Honourable Mr. LALUBHAI SAMALDAS : The information required is given in the subjoined table :—

Year.	Revenue realised from	
	General Stamps.	Court-fee Stamps.
	Rs.	Rs.
1892-93	25,08,760	32,27,826
1922-23	96,56,242	83,28,011

SUFFICIENCY OF TEACHERS IN SCHOOLS.

Mr. D. N. PATEL (Kaira District) : Will Government be pleased to state—

(a) what the maximum number of boys or girls is which one teacher is allowed to handle in a vernacular school under the rules, if any, framed by Government ;

(b) the number of vernacular schools in the Kaira District, which have classes of more than 50 students handled by one teacher ;

(c) whether it is a fact that boys and girls are not allowed admission in some schools in the Kaira District owing to want of space or of necessary teachers ;

(d) whether it is a fact that some 20 boys were not admitted into the vernacular school at Kantharia in the Borsad Taluka, district Kaira, this year owing to the want of teachers ;

(e) how many more teachers would be required in the Kaira district to provide for efficient teaching in the vernacular schools ;

(f) whether Government intend to provide more teachers in such schools.

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

* Vide Appendix 103.

LOANS TO AGRICULTURISTS FOR DIGGING WELLS.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether they intend to give effect to the resolution passed in the July session of the Legislative Council in 1924 recommending that loans be given without interest to agriculturists for the purpose of digging wells; (b) if so, when; and (c) if not, why not?

The Honourable Mr. H. S. LAWRENCE: The attention of the honourable member is invited to the orders issued in Government Resolution No. L/361, dated 30th June 1925, a copy of which has been placed on the Council table.

AGRICULTURAL BIAS COURSE IN VERNACULAR STANDARDS.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(a) in what standards of the vernacular school at Utersanda, Taluka Nadiad, District Kaira, the agricultural bias course has been introduced; and

(b) whether it is optional with the students of those standards to take up that course.

The Honourable Mr. B. V. JADHAV: Information is being obtained.

GOVERNMENT BORING RATES.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(a) whether they have revised the rates of boring, which are high as compared with those of private contractors, in order to provide more facilities to agriculturists to use their boring sets;

(b) if so, what the revised rates are;

(c) if not, when they intend to revise them?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) The following uniform scale for the use of both hand and power boring machines has been fixed in lieu of the old scale:—

Re. 1 per foot for the first 50 feet.

Re. 1-8-0 per foot over 50 feet.

The labour charges are to be borne by the cultivators.

The above charges are for successful bores. For unsuccessful bores no charge is to be made and half the labour charges incurred by the cultivators will be remitted up to a maximum of Rs. 50 in each case.

(c) Does not arise.

Rao Saheb D. P. DESAI: Do the charges include charge for pipes?

The Honourable Mr. A. M. K. DEHLAVI: I think so; but I cannot say for certain without notice.

WATER FINDERS.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(a) how many water finder machines are with them;

(b) how many of them are kept with the Deputy Director of Agriculture, Gujarat, to be worked under his supervision ;

(c) if they are not so kept, whether they intend to entrust some of these machines to him for the convenience of the people of Gujarat ?

The Honourable Mr. A. M. K. DEHLAVI : (a) One. The machine is in charge of the Agricultural Chemist who can work it in any part of the Presidency according to demand.

(b) None.

(c) The question will be considered in connection with new machines to be purchased during the current year.

WORKING HOURS IN THE P. R. TRAINING COLLEGE.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) if it is a fact that teachers in the P. R. Training College, Ahmedabad, are compelled to work in the morning as well as in the afternoon ;

(b) whether this practice is followed in any other training college of this presidency ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

OFFICE HOURS OF EDUCATIONAL INSPECTOR, N. D.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state whether it is a fact that Mr. K. S. Vakil, Educational Inspector, N. D., attends his office generally after 5 p.m. and consequently the office clerks are compelled to stay in the office till nightfall ?

The Honourable Mr. B. V. JADHAV : The answer is in the negative.

Mr. G. I. PATEL : Is it a fact that on this question being sent to the Educational Inspector, Northern Division, he issued a circular to his subordinates asking them if they were inconvenienced by his late coming into the office ?

The Honourable Mr. B. V. JADHAV : I do not know.

Mr. G. I. PATEL : Were statements of the subordinates taken before this reply was given by Government ?

The Honourable Mr. B. V. JADHAV : No.

Mr. G. I. PATEL : Will Government be pleased to place all the papers regarding this enquiry on the Council table ?

The Honourable Mr. B. V. JADHAV : I regret to say that I cannot do so.

Mr. G. I. PATEL : Why ? Is this correspondence ordinary or confidential ?

The Honourable Mr. B. V. JADHAV : As a rule, all papers are treated as confidential.

**WITHDRAWAL OF PENSIONS UNDER ARTICLE 351 OF THE CIVIL
SERVICE REGULATIONS.**

Mr. A. F. I. K. PATHAN (Southern Division): (1) Will Government be pleased to state the names of pensioners whose pensions have been withdrawn on the ground of misconduct under Article 351 of the Civil Service Regulations for having participated in anti-Government agitation or propaganda since 1921?

(2) Do Government, in view of their recent Resolution cancelling former Resolution of theirs anent the forfeiture of pensions and of the present altered political situation, intend to reconsider the cases of the pensioners whose pensions have been withdrawn?

The Honourable **Mr. H. S. LAWRENCE**: (1) The names of the pensioners are **Mr. V. B. Joshi** and **Mr. S. B. Raydurg**.

(2) No.

**POWER TO EXTEND APPLICATION OF KHOTI SETTLEMENT ACT
TO THE KOLABA DISTRICT.**

Mr. M. B. POWAR (Kolaba District): (a) Will Government be pleased to state if they have reserved powers under the Khoti Settlement Act, I of 1880, to extend its application to the Kolaba district?

(b) Do Government intend to extend the application of the Act to Kolaba district; if so, when?

The Honourable **Mr. LALUBHAI SAMALDAS**: (a) Yes.

(b) Government have, on more than one occasion, decided that the extension of the Act to Kolaba is not desirable.

Mr. G. B. PRADHAN: Are the Government going to reconsider their decision after a decision is arrived at in the Khoti suits now pending against Government?

The Honourable the **PRESIDENT**: That is a suggestion for action.

WILLINGDON BOYS' HOME, BOMBAY.

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

(a) whether it is a fact that the Salvation Army is an avowedly proselytising organization;

(b) whether it is a fact that the Salvation Army is entrusted with the control and management of the Willingdon Boys' Home, Bombay.

(c) If the answer to (b) is in the affirmative, will Government be pleased to state why the management and control of the Home has been entrusted to such an organization, and not to a Committee of representative men of all creeds?

(d) Will Government be pleased to state whether their attention has been drawn to an editorial note under the heading "Willingdon Boys' Home", published in the *Indian Social Reformer* dated 30th May 1925?

The Honourable **Sir MAURICE HAYWARD**: (a), (b), (c) and (d) The honourable member's question as also the article in the *Indian*

Social Reformer to which he refers seems to be based on a misunderstanding. The Willingdon Boys' Home is not a Government Institution. It is one of the many humanitarian institutions set up and managed by the Salvation Army. It has been recognised by Government under the terms of the Reformatory Schools Act. The rules referred to in the article in the *Indian Social Reformer*, are those to which the Manager of the Home is bound to conform as a condition of such recognition.

VAIDYAS AND HAKIMS.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether in connection with their scheme of rural medical relief, they have considered the desirability of giving subsidies to Indian *Vaidyas* and *Hakims* who have passed the *Visharad* and *Acharya* examinations of *Ayurveda Mahamandal* and have also received training in "First aid"?

The Honourable Mr. B. V. JADHAV: The reply is in the negative.

THE MESTON SETTLEMENT.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether they have received from the Government of India any reply to the representation of this Legislative Council on the subject of the revision of the Meston Settlement, and if so, why copies of it have not been sent to honourable members?

The Honourable Mr. H. S. LAWRENCE: Yes. Copies of the reply of the Government of India and of the subsequent correspondence are being supplied to the honourable members.

Mr. D. R. PATIL: What is the reply of the Government of India?

The Honourable Mr. H. S. LAWRENCE: Copies are being sent to you.

TOLL BAR BETWEEN NASIK CITY AND NASIK ROAD STATION.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether they intend to give effect to the recommendation of the Collector of Nasik that the toll bar between the city of Nasik and the Nasik Road Station should be abolished?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Government do not intend to abolish the toll bar in question for the present.

COMPARATIVE COST PER STUDENT IN GOVERNMENT AND NON-GOVERNMENT COLLEGES OR SCHOOLS.

Mr. HOUSENALLY M. RAHIMTOOLA (Bombay City): (a) Will Government be pleased to state if it is a fact that the average cost per student in Government colleges and schools is about 50 per cent. higher than in non-Government colleges and schools?

(b) If so, will Government be pleased to state the reasons why the cost to Government is so much more?

The Honourable Mr. B. V. JADHAV : (a) According to the calculation of figures of cost for 1923-24, the average cost per pupil in Government arts college and secondary schools is higher than in the non-Government arts colleges and secondary schools by 55 and 35 per cent. respectively.

(b) the extra cost required per pupil in Government colleges and schools is due to the fact that better qualified and better paid staffs are employed as a rule in the Government institutions and that in the case of colleges the number of pupils is limited to reasonable dimensions. It may also be mentioned that in certain non-Government colleges the Professors are members of missionary associations and similar bodies, and accept pay a good deal below the market rate.

Mr. P. G. JOSHI : May I know the average cost per pupil in Government secondary schools ?

The Honourable Mr. B. V. JADHAV : It is a few rupees more than in non-Government schools.

Mr. P. G. JOSHI : I want to know how many more ?

The Honourable Mr. B. V. JADHAV : I shall see if it is here in these papers. (After a reference to the papers) No, it is not here. I shall require notice.

PROVINCIAL EDUCATIONAL SERVICE IN SIND.

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give in statement form the following information—

- (a) information relating to each post filled in the Provincial Educational service in Sind during the years 1918 to 1924 both inclusive ;
 (b) information relating to each person at present holding an acting appointment in the Provincial Educational Service in Sind ;

1. Name of the post in Provincial Educational Service in Sind ;
2. Name of the person appointed ;
3. His educational qualifications ;
4. Years of service put in by him ;
5. The post held by him before he was given acting or permanent appointment in the Provincial Educational Service ;
6. His age ;
7. His religion and caste ;
8. Whether he superseded any senior officers in the department and if so, how many such senior officers did he supersede, and what was the length of service of the seniormost officer superseded ;
9. How many graduates were superseded and what was the length of service of the seniormost graduate superseded ;
10. The special reasons for the supersession of each of the senior officers to be given ?

The Honourable Mr. B. V. JADHAV : (a) and (b) Information is being obtained.

SCHOOL BOARDS.

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state—

- (a) in how many districts, school boards have been formed to manage primary education ?

(b) how many members of such school boards are persons who have passed secondary or higher education tests ?

(c) whether the office-bearers, if any, of such school boards are persons who have passed such education tests ?

(d) whether Government have used their discretion under the rules not to make any nominations for such school boards ?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

DEPRESSED CLASS SCHOOLS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state how many new depressed class schools have been opened in the several districts of the Presidency since the year 1923 ?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

DEPRESSED CLASS STUDENTS IN SATARA.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(a) what is the number of students belonging to the depressed classes at present undergoing training in the secondary schools, upper primary classes, and lower primary classes respectively in the district of Satara ?

(b) whether there is any boarding arrangement for the convenience of any such students and, if so, for what number ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

COUNTERSIGNATURE OF MEDICAL CERTIFICATES.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(a) whether heads of departments are permitted to require any subordinates who apply for leave on the certificate of a registered medical practitioner to get the countersignature of the Civil Surgeon on such certificate ?

(b) what are the grounds which have led Government so to distrust the certificate of a registered medical practitioner and require the poor subordinate to get himself examined over again by the Civil Surgeon ?

(c) Will Government be pleased to place on the Council table any Government orders or resolutions issued from time to time in this respect ?

The Honourable Mr. COWASJI JEHangIR: (a), (b) and (c) The latest orders on the subject are—

Certificates from medical men, who do not possess a degree or diploma registerable in the United Kingdom or a degree or a license in Medicine of the University of Bombay, Calcutta, Madras or Lahore, should not be accepted without countersignature. Certificates from medical men who have been registered under the Bombay Medical Act VI of 1912 should ordinarily be accepted by the Heads of Offices provided the certificates are in the form prescribed by Government, unless for special reasons countersignature is considered desirable.

Mr. C. M. SAPTARSHI : May I know the special reasons specified by Government for which countersignature is considered desirable ?

The Honourable Mr. COWASJI JEHangIR : No special reasons have been specified up to now. If any special reason does arise and the officer considers it desirable that a countersignature is necessary, it is open to him to demand such countersignature.

Mr. C. M. SAPTARSHI : Are there any reasons laid down by Government in this connection ? That is my question.

The Honourable Mr. COWASJI JEHangIR : No.

APPOINTMENT OF TEACHERS BY THE RAJAPUR NOTIFIED
AREA COMMITTEE.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state—

(a) whether it is a fact that at a meeting of the Notified Area Committee of Rajapur of 12th November 1922, the appointment of a Mahomedan trained teacher on Rs. 40 per month was not sanctioned for want of funds, but at a later stage of the same meeting a supervising teacher for Marathi schools was appointed on Rs. 72 per month ?

(b) whether it is a fact that the post of a supervising teacher was created for the purpose of retaining in service a relative of the Chairman of the Notified Area Committee who otherwise would have been thrown out of employment ?

The Honourable Mr. B. V. JADHAV : (a) The statement made in the former part of the clause is true. The latter part of the clause is not true. The fact is that the Head Master of the Marathi School was given the assistance of a temporary teacher on Rs. 25 per mensem to enable him to supervise the other classes and two branch schools.

(b) The temporary teacher was a distant relative of the then Chairman but the temporary post was not created for the purpose of retaining him in service.

Mr. A. N. SURVE : With reference to the answer to part (b), will the Honourable Minister state the distance of relationship existing between the parties ?

The Honourable Mr. B. V. JADHAV : I am sorry I am not in a position to state the distance of relationship.

THE DHOLKA-VAUTHA ROAD.

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

(a) how much portion of the Dholka-Vautha road is metalled ?

(b) what is the total length of the road ;

(c) when was that road in the hands of the Public Works Department ;

(d) when was that road handed over to the district local board of Ahmedabad ;

(e) what was the condition of the road before its transfer to the district local board ;

(f) what was the amount of money spent by the Public Works Department during the five years preceding the transfer ;

(g) whether they are aware of the frequent complaints made by the people against the condition of that road ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information has been called for.

SERVICES OF MAJOR POGSON, WATER DIVINER.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Will Government be pleased to state whether they have utilised the services of Major Pogson, the water diviner, for the purpose of carrying on experiments of finding potable water in any other districts than Broach ?

The Honourable Mr. LALUBHAI SAMALDAS : Major Pogson's services were utilised in the Ahmednagar district only.

THE THAKOR OF KERWADA : Are Government aware of the necessity of similar experiments in certain parts of Ahmedabad ?

The Honourable Mr. LALUBHAI SAMALDAS : Government are aware of the fact and the question of utilising Major Pogson's services ; for other provinces is being considered.

MR. M. R. JAYAKAR : Will Government take steps to encourage the display of such powers of divination by Indians ?

The Honourable Mr. LALUBHAI SAMALDAS : If such men are available.

JAMBUSAR-KARELI ROAD.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Will Government be pleased to state—

(a) whether any survey of the road between Jambusar and Kareli was made by the Public Works Department with a view to extending the road up to the bank of the river Mahi so as to connect the district of Broach with the district of Kaira ;

(b) will they be pleased to state why the work of completing this piece of road is delayed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Yes, but only from Jambusar to Werach.

(b) A more suitable alignment for crossing the Mahi having been lately reconnoitred, correspondence on the matter is going on with the Resident at Baroda as a considerable portion of the road would pass through that State territory.

THE THAKOR OF KERWADA : Will the Honourable Minister tell the House when Government is likely to arrive at a decision in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : As soon as the correspondence with the Baroda State is over.

SCHOOL BUILDING AT PALASPE.

Dr. M. B. VELKAR (Bombay City, South): (a) Will Government be pleased to state when the proposal for extension of the school building at Palaspe taluka, Panvel, district Kolaba, came for consideration for the first time before—

(i) the District Local Board, Kolaba, and

(ii) the Government.

(b) to state in detail the different stages through which these proposals passed, giving the causes of delay in executing the construction of the building.

(c) Will Government be pleased to give the probable date of commencing the work ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

APPLICATIONS FOR ESTABLISHMENT OF VERNACULAR SCHOOLS.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to lay on the Council table, the names of villages (with taluka towns) which applied to the educational authorities, for establishment of vernacular schools after the 1st January 1924, with dates in each case ?

The Honourable Mr. B. V. JADHAV: The accompanying statements* give the required information.

RENT ACT SUITS IN SMALL CAUSES COURT, BOMBAY.

Dr. M. B. VELKAR (Bombay City, South): (a) Has the attention of Government been drawn to a paragraph in the *Bombay Chronicle* dated 9th October 1924 referring to an abnormal rush of Rent Act suits filed in the Court of Small Causes, Bombay, on Monday the 6th October 1924 owing to the lapse of the Rent Acts applicable to non-residential premises ?

(b) If so, will they be pleased to state whether it is a fact that the clerks had to work till after 11 p.m. to deal with such applications ?

(c) Will the Government be pleased to state the number of Rent Act suits filed on the said 6th October 1924 ?

The Honourable Sir MAURICE HAYWARD: (a), (b) The answer is in the affirmative.

(c) 247.

Dr. M. B. VELKAR: In view of this abnormal rush of ejection suits, do not Government think it advisable to have some measure to give relief to the tenants of non-residential premises ?

The Honourable Sir MAURICE HAYWARD: I leave that to the Honourable the General Member. The only relief to the Home Department would be the abolition of the Rent Acts.

* Kept in the Secretary's Office.

PROPOSED ENHANCEMENT OF LAND TAX IN PEN TALUKA.

Dr. M. B. VELKAR (Bombay City, South): (a) Will Government be pleased to state whether they have received petitions from over 150 villages of the Pen taluka of the Kolaba district against the enhancement of 33½ per cent. of the assessment, in accordance with the report of the settlement officer?

(b) If the answer to the above is in the affirmative, will Government be pleased to state what action they propose to take in the matter and whether any replies have been sent to the petitioners?

(c) Are Government aware of the fact that the report of the settlement officer, Mr. Hood, was not translated into Marathi and kept in the office of the mamlatdar of Pen for inspection of the landholders concerned, 90 per cent. of whom do not know English?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) The petitions of objections will be considered along with the Settlement Report.

(c) Yes.

Mr. G. B. PRADHAN: Will Government print the report in Marathi?

The Honourable Mr. LALUBHAI SAMALDAS: Government have issued a circular that all the important extracts from such reports should be published in the vernacular and that they should be kept for inspection of the villagers.

Mr. G. B. PRADHAN: Will Government supply copies of this report to persons who are prepared to pay the charges?

The Honourable Mr. LALUBHAI SAMALDAS: If there is a demand for them, arrangement will be made to supply the same on payment.

LANDING AND WHARFAGE FUND COMMITTEE.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(a) When the Landing and Wharfage Fund Committee was started and with what object?

(b) What is the constitution of this committee and whether it is considered an official or non-official body?

(c) What is the amount of wharfage fund collected in each year up to date on the Dharamtar, Ulwa, Mora and Mandwa line steamers in the Kolaba district and on the Konkan line steamers in the Ratnagiri and Karwar districts?

(d) What amount out of the wharfage fund collected was expended in each year up to date for the special convenience of the passengers in the Kolaba, Ratnagiri and the Karwar districts at the several bunders in those districts?

(e) What was the total number of passengers travelling by the Dharamtar and Ulwa line steamers in each year for the last five years?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The Landing and Wharfage Fees Fund Committee was started in 1918 with the object

of assisting the Commissioner of Customs, Salt and Excise (whose place has now been taken by the Collector of Salt Revenue as conservator of minor ports) with their advice as to the disposal of the fund.

(b) The present constitution of this committee is as follows:—

Chairman.

The Collector of Salt Revenue.

Members.

The Collector of Ratnagiri.

The Collector of Kolaba.

A representative of the District Local Board, Ratnagiri.

A representative of the District Local Board, Kolaba.

A representative of the Bombay Steam Navigation Company.

A representative of the Indian Co-operative Navigation and Trading Company.

The Superintendent of Salt Revenue, Kolaba-Ratnagiri Range.

The Superintendent of Lights, Bombay.

The Committee is an advisory body consisting of officials and non-officials.

(c), (d) and (e) Statements* containing the necessary information are placed on the Council table. Information for 1924-25 in respect of (c) and (e) is not available.

RETRENCHMENT IN THE BOMBAY IMPROVEMENT TRUST.

Mr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state (a) whether they are (i) aware that the Bombay Improvement Trust have retrenched a number of their employees in the subordinate ranks, and a number of peons and lascars;

(ii) have the board in doing so followed the principles followed by Government when carrying out retrenchment in establishments;

(iii) that men on permanent establishment have been retrenched while the services of some acting men and men on temporary establishment have been retained;

(b) whether they are aware that side by side with the retrenchment of young men in the subordinate ranks, the services of old and superannuated men have been extended;

(c) whether they are aware that most of the old officers mentioned in (b) above are men in the executive establishment;

(d) whether they are aware of the vastly reduced expenditure on acquisition and works in the Trust programme for 1925-26;

(e) whether such reduction of expenditure does not call for a drastic retrenchment of officers in the higher grades?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) (i) Yes, and in addition certain officers also have been retrenched.

(ii) Yes.

(iii) Yes, for the convenience of the work.

(b) Yes, the retention of the older men was also in the interest of the work.

(c) Yes.

* Kept in the Secretary's Office.

(d) The programme of works has been curtailed.

(e) It is intended to retrench more officers at the end of the present year.

PAYMENT OF GRATUITY BY THE BOMBAY IMPROVEMENT TRUST.

Dr. M. B. VELKAR (Bombay City, South): (1) Will Government be pleased to state—

(a) whether it is a fact that under section 91 (5) of the City of Bombay Improvement Act, 1898, the Board is competent to pay gratuity to their officers, on retirement;

(b) whether it is true that there is no provision in the said Act under which gratuity can be paid on the death of an officer while on leave to his legal heirs or representatives;

(c) whether it is true that the rules framed by the Board, under the section above mentioned, provide only for payment of gratuity on retirement.

(2) Will Government be pleased to state—

(a) whether they are aware that in the case of one Mr. Marker, an employee of the Trust, who died while on leave, the Board at the instance of its officers has paid gratuity to the widow of the employee;

(b) whether Government propose to take any action in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information has been called for.

BREACH OF PRIVILEGE OF THE HOUSE.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am constrained to call attention to a leading article which appeared last Saturday in the *Bombay Chronicle* containing contemptuous and insulting remarks with reference to Indian members of this honourable House. Criticism within decency and reason, no public man will mind or ought to mind, and he can afford to ignore public abuse in the press. It demeans not him so much as the particular newspaper. But vulgar abuse of a large section of our honourable members seems to me not only a breach of good manners and the privileges of the hospitality permitted to the representative of the particular paper by being given a place in the precincts of this House, but it seems, Sir, also a serious breach of the privileges inherent in this honourable House being a gross attempt, in my opinion, to interfere with the independent performance of public duties by honourable members assembled here for the purpose of important public business of this Presidency. (Hear, hear).

The Honourable the PRESIDENT: I should like to invite the attention of the honourable House to a similar incident which happened in 1922, and at which the Honourable Sir Narayan Chandavarkar indicated the procedure to be followed on occasions when the question of a breach of the privilege of the House is brought up. I am sure honourable members will be interested to know what the correct procedure is on such occasions. Sir Narayan Chandavarkar said:

"With regard to the privileges of this House the rule is that the attention of the Council should be drawn to any breach of privilege, as soon as the breach has occurred and the decision should be left to the House. In this particular case, I find that the letter impugned is signed 'a member'. There is no name given. Whether it is a breach of privilege or not is a matter which is not for me to judge, and it is entirely for the Council to do so. Of course it is my duty to say whether there is a *prima facie* case: the judges are the members of this Council."

[The President]

Then Sir Narayan goes on to quote the precedent in the House of Commons which runs as follows :—

"Interference with or reflections upon Members have been resented as indignities to the House itself. Libels upon Members have also been punished; but to constitute a breach of privilege they must concern the character or dignity of the Members in that capacity, and, as is explained on page 244, May's Parliamentary Practice of the libel must be based on matters arising in the actual transaction of the business of the House."

He proceeds then to state :

"I have read this letter, and I should deem it my duty to rule that there is a *prima facie* case, and leave to it the House to pronounce their judgment."

He proceeds to say further :

"The only action that I can take at the instance of the House would be to reprimand the paper and to deprive it of the privileges it enjoys in the Press Gallery. Whether I should take that action or not it is for the House to judge."

He further amplifies his remarks by the following extract which is the only one I will now read :

"On previous occasions there have been attempts on the part of some representatives of the press to cast reflections upon the members of the House and the Chair, but no serious notice was taken as my attention was not formally called to it. In the present instance, I am quite sure that it is my duty to hold that a *prima facie* case has been made out, and leave the matter to be judged by the House, which will vindicate its honour and dignity from such scurrilous attacks." (Bombay Legislative Council Debates, Vol. V, pages 748, 749.)

Following this procedure, I have no hesitation in ruling that a *prima facie* case of the kind referred to by the Honourable the Leader of the House exists, and in the words of Sir Narayan Chandavarkar I will, having declared my opinion, leave the matter in the hands of the honourable members.

Mr. M. R. JAYAKAR (Bombay University) : Sir, while appreciating the desire of the Honourable the Leader of the House to protect the dignity of this Council in—which I entirely join him—and while appreciating also his comment that the remarks of that paper, to which he has called the attention of this House, are unnecessarily offensive to the members concerned, I agree with him that public comment, especially at a time of public sensation, is essentially a matter of decency and good taste. But, Sir, when we depart from the domain of decency and good taste and enter on questions of breach of privilege, then difficulty arises because we are then confronted with two opposite principles, namely, the privileges of the Press and the privileges of this honourable House. Having regard, however, to the particular circumstances of this case, may I call the attention of the House and of the Leader to the note which has appeared in to-day's issue of the *Bombay Chronicle* which furnishes an explanation, if not an apology, of the words used by that paper in this connection? The explanation appears in the "Notes" in to-day's issue. I do not propose to take up the time of the House by reading the whole note, which is somewhat long. I shall only call attention to two or three sentences where the editor furnishes an explanation and says that he did not mean by his remarks to offend the dignity of the Council or of the individual members thereof. He proceeds to state further :

"We regret that our remarks should have caused a misconception in the minds of some of the Indian members who voted against Mr. Nariman's amendment, for we need hardly add that we had no desire to offend their dignity."

Mr. M. R. Jayzkar

Later on, in the course of this note, the editor proceeds to say :

" We do not mean any offence to the members to whom we have referred."

Sir, I am particularly anxious that this Council should not be drawn into what is bound to be a bitter and acrimonious discussion about the privileges of this House and the privileges of the Press. Speaking for myself, I am equally anxious to protect both, but the line is often very difficult to draw between the two. I feel, Sir, that every honourable member who values the privileges of both the Press and this House will always be unwilling, except on very rare occasions, to rush this House into a discussion which is bound to be bitter and acrimonious. We have a very heavy agenda before us, and may I therefore ask the Leader of the House to consider whether, having regard to the explanation, tendered by the newspaper concerned, he thinks it necessary to ask this House to take further action in this matter ?

The Honourable Sir MAURICE HAYWARD : Sir, I am indebted to my honourable friend for a hasty perusal of the article which appears in to-day's issue of " The Bombay Chronicle ". I cannot say, Sir, that in my opinion it is entirely satisfactory, and I am not at all sure that it might not be thought by some members even to make the matter worse. At the same time, the passages read undoubtedly do show that the editor recognises that he has overstepped the mark and has been guilty of a mistake, and it does indicate some measure at least of repentance. It is, therefore, for honourable members to consider whether it would not be sufficient in the circumstances to be satisfied with the expression of our opinion - which I am glad to find has been concurred in by my honourable friend opposite (Mr. Jayakar) - of the grave impropriety of the remarks which appeared in the issue of Saturday of " The Bombay Chronicle ". I think, Sir, if honourable members are satisfied with his expression of opinion, which would be in the nature of a warning that such remarks will not be tolerated by this honourable House, then perhaps it would be sufficient, and for my own part I would not press the matter further, if that is the general opinion of honourable members of this House.

The Honourable the PRESIDENT : In view of what has fallen from the Leader of the House and the Leader of the Swaraj party, I should like to put the question to the House, because it is their privilege to decide the issue whether, in view of what has been stated, they are satisfied to let the matter drop or whether they wish to proceed further in the matter.

(The question was put to the House, and the opinion of the House was that the matter should be dropped.)

I take it that the general sense of the House is in favour of being content with the warning which this reference provides and taking no further action in the matter. That is the decision of the House.

RENT ACTS AMENDMENT BILL.

Question again proposed :

That Bill No. 1 of 1925 (A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918), be read a second time.

Dr. K. E. DADACHANJI (Bombay City, South): Sir, I must say that I am rather disappointed to read the report of the select committee. When the draft bill was referred to the select committee, it was thought that it would come out much improved and much altered in the interests of the tenants, but unfortunately it is not so. Hence it is, Sir, that out of 14 members of the select committee 8 members have written minutes of dissent. How much reliance can be put on the report it is for this House to say. The first thing that draws our attention is the period of extension. In the draft bill it was three years, but the select committee has, whether advisedly or inadvisedly, reduced it to two years. I do not know, Sir, whether they have got sound reasons for doing so. But as one having intimate acquaintance with the conditions of the middle classes and the upper poorer classes living in the city, I must say that the housing shortage for these classes will continue for some years to come. It would have been much better if the period was kept as in the original draft.

Now, coming to the limit of rent control, it is kept, as in the original draft bill, Rs. 85 for the city of Bombay and Rs. 50 for the city of Karachi. I have no knowledge of the conditions prevailing in Karachi, but for Bombay I must say that the limit ought to have been increased. Sir, if you take into consideration the various circumstances, the joint family system, the condition of the European middle classes in Byculla, Agripada, Colaba, etc., you will admit that the limit ought to have been raised to a higher level, and in my opinion to Rs. 200 per month. In Calcutta, Sir, the limit is Rs. 250 per month; in England they have raised the limit from £30 to £70 and again to £105 in 1920, that is the equivalent of Rs. 130 per month. Why we should keep it at Rs. 85 I do not know. Perhaps some member of the select committee will explain that.

Then, Sir, coming to the sliding scale, the scale appears to me to be a bit arbitrary. Why beginning from 10 per cent. we should go at the top, to 60 per cent. increase I do not know. In Calcutta the increase all round is 10 per cent.; in Great Britain it is 15 per cent. all round, and 25 per cent. for repairs and improvements certified by the sanitary authorities. Well, Sir, in Bombay we have given up to 60 per cent. increase in certain cases. Taking into account the various circumstances of retrenchment and unemployment in the city, it is very difficult for the people to pay increases at the rate of the present sliding scale. The scale ought to be simple as in the case of Calcutta, 10 per cent. all round. But unfortunately the select committee also has not altered it. Sir, as regards Bombay it must be taken into consideration that the tenants have to pay 10 per cent. in addition for the improvements and structural alterations to be made. That does not clearly seem to be taken into consideration.

Sir, I must say I am not a tenant. I am a landlord. But looking into the various conditions prevailing in the city I must plead the cause of the tenants.

Mr. President, as regards the clause relating to sub-tenancy I do not quarrel with what has been done by the select committee. But as regards unoccupied houses I do not know why they have changed the

[Dr. K. E. Dadachanji]

limit from three months to six weeks. This will lead to legal disputes. In six weeks how can we know that a tenant has left it unoccupied? I think, Sir, the clause ought to remain as in the original draft bill, and three months' limit should be placed.

I hope the House will now proceed to amend the bill as received from the select committee. I hope the necessary amendments tabled will be carried.

Sir VASANTRAO A. DABHOLKAR : Sir, it is with great reluctance that I have signed the select committee's report: because there has been depression in trade and consequent unemployment, I thought that I might agree with the select committee's report for extending the Rent Act for a period of two years. I thought that at the same time it might give me an opportunity within those two years to move Government by resolutions or otherwise to appoint a commission of enquiry to make a thorough enquiry into the matter as far as the conditions of tenants are concerned. My honourable friend who preceded me asked why the period should be only two years. I wonder why he did not ask why the Rent Act should not be perpetual. We have extended the period as far as the life of this Council is concerned. I do not think we should undertake legislation on behalf of our successors. Then my honourable friend Dr. Dadachanji stated that the limit should be increased to Rs. 200 per month, and he referred us to Calcutta. But he conveniently forgot that Calcutta has no development works in hand. Does my honourable friend know about that? Has my honourable friend told this House as to how many vacant tenements there are in Bombay? My honourable friend is expected to know that as a member of the Bombay Municipal Corporation. In the face of the fact that the Development Department has spent 3 crores of rupees, and Government have given 28 lakhs of rupees to the co-operative building societies, and there are 20,000 tenements vacant, does my honourable friend expect that the principles which are applied in Calcutta and parts of the West should be applied to Bombay? (Dr. K. E. Dadachanji: The Development tenements are for workers: I was speaking of the middle classes.) Coming to the question of the middle classes, can my honourable friend tell us why the middle classes, who stick to a particular locality, should not be asked to pay the rents prevailing there in the newly built houses? Why should they not go to places where there are a good many houses built for them in the north of the Island? They have all conveniences there, railways, markets and even medical relief. Why do they not care to move? The honourable member spoke about the joint family system, but at the same time he did not point out that in a joint family there may be more than one bread-winner: Then he said that we should give only 10 per cent. increase all round. I believe when the question of the Rent Act was discussed a second time Government appointed an independent committee, on which there was a majority of the tenants, and only one or two landlords. That was in 1920. That committee recommended then a 30 per cent. increase, but the predecessor of this Council reduced that 30 per cent. to 10 per cent. At that time my

[Sir Vasantao A. Dabholkar]

honourable friend was a member of that Council, and when that bill was passed the honourable member said that the bill would only last for three years. Now it has lasted for nine years (An honourable member : Not nine : only five). The basic year was 1916. (Dr. K. E. Dadachanji : Circumstances have changed.) Circumstances may have changed, because members have to take the part of the tenants—I am attributing no motives—but they must look to their electors and not take up the cause of the minorities oppressed by the Rent Act. Dr. Dadachanji has said that he is a landlord himself, but he is fortunate that he is also a doctor. Every landlord in Bombay is not a doctor and is not of such a type of landlord as Dr. Dadachanji who can certainly afford to make charity to his tenants and carry on his subsistence and the maintenance of his family on the income that he may get as an experienced doctor of many years' standing in Bombay. I wish that every landlord in Bombay was so fortunate as my honourable friend for Bombay (South). Sir, I signed the report of the select committee because I think the extension for two years is more than sufficient and after that the landlords should not be penalised by extending the Rent Act any further. Under these circumstances, I support the select committee's report.

Dr. COSMAS FERNANDEZ : Sir, it has been said that this Act should not be on the statute book. When it was first brought on the statute book, it was brought on the principle that the State has a right to intervene when vital interests of life are concerned, and on that principle this Act came into force. At that time this necessity existed, but so far nobody has given any convincing reason to show that that necessity does not exist now. It may be less but certainly nobody has given a definite convincing proof to show that this necessity does not exist. Some of the honourable members have said that by keeping this Act on the statute book the landlords will be prevented from building new houses. I think that that is not a very sound argument because if that could apply, perhaps every trade or industry in every country would perish. Every trade or most of the trade has been taxed in some way or other and because that tax exists, if you argue that that trade will not progress, that will not be a very sound argument. All the trades have been bearing an extra tax and the housing trade also should bear this indirect tax, namely, the rent control. I call it an indirect tax because instead of Government collecting it from them and utilising that money for the benefit of the people at large or perhaps for relieving unemployment landlords are forced to pay it directly to the tenants in that way. That is one view of looking at it. Of course my honourable friend, Sir Vasantao Dabholkar, said the landlords practise charity. I think he does not know what the meaning of charity is. Charity means something that comes from a man's own free-will. Here he is forced to do this and my honourable friend calls it charity. I am surprised at it. I should rather retort by saying that these landlords are paying a debt which they owe to tenants, to the poor people, because in most cases the money by which they have built these houses has been earned by the landlords out of the sweat of the poor people.

[Dr. Cosmas Fernandez]

I do think it is sweat money or blood money, if you like to put it in that sense. I think it is not fair for him to make such general statements and if he does, he must be prepared to receive similar retorts from us. That is one view.

I see that a special favour has been shown to this housing trade because the landlords do not get a sufficient amount of money as interest on the money they have invested and it has been urged that the interest on such money should increase year after year. I have not heard of any convincing reason so far to show why money invested in housing should year by year go on increasing in yield, more than money invested in other concerns. Money invested in other concerns in some cases does give a definite return and in other cases there is a variable return. Just as that money invested in those concerns is for the good of the country, so also money invested in housing is for the good of the country, as otherwise the country will not have houses and towns or cities will not progress. I say that the man who puts his money into the Development or municipal loan and in many other loans, does some good to the country because when he puts it there the country benefits and such a man does indirectly help to better his country. Similarly the landlord who invests his money also helps to better his country. It has been said that the man who invests money in houses ought to get a yearly increasing interest. Do the people who invest money in loans get yearly increasing interest? On the contrary, perhaps they lose. The landlords who invested their money in houses did not expect to get such phenomenal rises in returns from those houses and I do not see why a special favour should be made to them now.

Coming to the increases that have been made in the various schedules and to the limitation of Rs. 85, I do not think it is quite fair. Perhaps a sort of a case has been made, although not quite a satisfactory case, where the poor people are concerned. They say a large number of houses are vacant but their rents are such that these poor people cannot afford to go there, but in the case of the middle class people nobody has proved that they do not need control over rents. The middle classes are the people who have been most hit by the post-war changes, but they have not been able to increase their incomes. They are not in a position to go on strikes. The poorer classes of people such as artisans, mill-hands and so on have forced their employers to increase their incomes because they are in a position to do so and certainly I say that they may have benefited themselves in that way, but the middle class people, specially the clerks and others of that class, are not in a position to go on strikes or combine themselves to increase their wages and I think those are the people who will be affected by keeping this limit to Rs. 85. I certainly think that Dr. Dadachanji is perfectly right when he says that the limit ought to be increased to Rs. 200. I do not remember exactly what figure he suggested, but certainly the limit should not be below Rs. 125.

[Dr. Cosmas Fernandez]

As regards the clause which forbids tenants sub-letting, I quite see that there is a certain amount of force in the argument, namely that they try to profiteer at the expense of the landlords. But at the same time there are a large number of these tenants who cannot afford to pay these high rents and so quite naturally they have to take a house where they can take in others. They cannot get houses of lower rentals and have to go and take houses at a much bigger rental and divide it among themselves. I see there is a proviso that the landlord should give his consent but we know in practice that in very many instances the landlords bring some objection or other to allowing their tenants to sublet. I think some sort of solution must be arrived at, if possible, on this clause. With these words, I support the second reading of the bill.

Mr. D. B. ADWANI (Karachi City): Sir, in view of the fact that amendments are being moved on the several clauses, I do not think it is necessary to take up the time of this House in discussing any clauses at present. But in view of the general remarks that have just now fallen from my honourable friend Sir Vasant Rao, I desire to say that I am surprised to hear from him that the enactments which we make should be for the life-time of this House! He says: Can we undertake legislation on behalf of our successors? As a matter of fact, we know very well—and with his vast experience of public affairs my honourable friend should also know very well—that the enactments that are passed are as a general rule intended not only for the life-time of this House, but also for our successors. But, on the contrary, the period for which this particular enactment is to last, is limited to two years by the select committee, and the amendments proposed desire to limit it to three years. This is rather an exception in regard to this bill. The other point which he made was about the vacant tenements. I think he referred to Bombay city and said that there are about 20 000 vacant tenements. That remark also surprised me. The figure supplied to us by the Honourable the General Member stated that in Bombay only 778 tenements were vacant. Now, that is the statement supplied to us by the Honourable the General Member of vacant tenements, barring perhaps the Development chawls. In Karachi a smaller number is shown; it is about 278. But whatever the number may be, what I desire to say is this, that the tenements which are vacant are usually in those quarters where high rents are to be paid, and not in the city, where there is congestion. From my own personal knowledge I know, for example, that in Karachi there are several vacant tenements in the garden and the Civil Lines quarters, where there are bungalows and well-to-do people reside. But in the other parts of the city quarter there is still congestion. I can support this statement by saying that there are some 44,700 tenements in Karachi out of which 30,800 are one-room tenements, and these one-room tenements—that is, 30,800 one-room tenements—not less than 106,000 persons reside which means nearly $3\frac{1}{2}$ persons to every single room, and honourable members must remember that the size of each of these single rooms is 8×10 or at the most 10×12 . But there are certain rooms which I have seen on my visits to the different quarters of the city, where no

[Mr. D. B. Adwani]

less than 8 or 10 persons reside in each room, and, as the honourable member Mr. Mirams has stated in his report on the Development of Karachi, as many as 19 persons reside in some room. Such is the state of congestion in Karachi, and I think for this reason this House will be well advised to make the Act applicable to Karachi also for three years.

Khan Bahadur D. B. COOPER (Satara District): Sir, I rise to support the second reading of this bill. This bill was originally introduced in 1918. Of course, at that time it was a war measure and no one in those days could have any objection to a bill of this type being passed. It came before this House again a few years later for extension; circumstances were not changed, and this House thought it their duty to give the extension up to the year 1925. It has again come before us for further extension. When first introduced it was proposed to extend it for a period of three years. I do not know for what reasons the select committee have found it necessary to extend it only to two years. I would like to have the bill extended to a period of three years or even longer. But we must know that we are passing this bill simply because we see that the tenants are suffering and that it is a charitable action. This charity we are doing is of course at the expense of the poor landlords, because the situation which was in existence in 1922 has not yet altered. General opinion is for the bill and for that reason I have no hesitation in supporting the second reading of the bill. But in doing so I would request the honourable mover of this bill or the Government to give both the landlords and the tenants definitely to understand that after the expiry of this extension, which we are going to give, no more extensions under any circumstances will be granted. But in doing so Government must realise their own responsibility as well. Why are we extending this bill to-day? Because we know there is a scarcity of houses in the city of Bombay. Well, then, is it not the duty of the Development Department or whichever department looks after it to see that this difficulty is removed? I think it is the duty of the department to remove the difficulty and not to press upon the landlords only to give in as much as they can in favour of the tenants. The Development Department is progressing for the past so many years. They have constructed one-room tenements and they are available by the thousand. When the department sees that there is not sufficient demand for these kinds of one-room tenements, why don't they try to improve the conditions by constructing such sort of tenements as are generally in demand by the people? If the demand was met by the department, there would have been no necessity for extending this Rent Act to-day by this House. I therefore say that Government should give a definite understanding or undertaking that this Act will not be extended after the period for which this House will extend it now, and in the meantime they must realise at the same time that it will be their duty to remove the difficulties of housing before the Rent Act comes to an end. With these words, Sir, I support the second reading of the bill.

The Honourable Mr. COWASJI JEHangIR: Mr. President, speaking on the second reading of this bill is, I believe, to a considerable extent a waste of time because we are going to discuss all the amendments one after another as they are proposed and all the points which honourable members have made just now will be discussed again in detail. I have just to reply to two or three points at present and I assure you, Sir, that I will not take more than five minutes. Dr. Dadachanji stated that he was not satisfied with the select committee's report because eight honourable members had written dissenting minutes. Allow me to inform my honourable friend that all proposals in the select committee's report were passed by a majority and a substantial majority, with the exception of one which was passed by a majority of two votes. I think my honourable friend Mr. Adwani, member for Karachi, has not quite understood the figures I supplied to the select committee. The statement which I read out at the first reading of this bill shows that the vacancies in premises having a rent of Rs. 100 and more is 12·40 per cent. while vacancies in premises having a rent under Rs. 100 is 3·03 per cent. I informed the Honourable House on that occasion that it was impossible to examine all the premises in the city of Bombay, and therefore the best method was to select typical areas in every ward and examine the houses in such areas to ascertain the percentage of vacancies. The number of tenements examined were 20,304 having rents under a hundred rupees, and 1,298 or 1,300 tenements having rents above hundred rupees. In all these tenements examined it was found that 778 tenements were vacant and therefore when my honourable friend stated that in the whole city 778 tenements were vacant he was not correct.

As to the honourable member Khan Bahadur Cooper who suggested that Government should guarantee that there should be no further legislation of this kind in the future, I can only inform my honourable friend that it is more in his hands and in the hands of honourable members like himself to decide whether there will be or there will not be legislation of this kind in future. My honourable friend knows that the Act has already lapsed with regard to business tenements and still we have two or three private bills before this House at this very session by which honourable members desire to extend the Act. (Hear, hear.) And there is no guarantee that honourable members will not come forward some years hence, two or three years hence, and ask that this legislation be extended. But I can assure the honourable member that as far as Government is concerned they do desire that this will be the last extension and they have framed this bill with the full intention that when it expires two or three years hence, as the House may decide, the rents will be raised to an amount which the landlord will be satisfied with and the tenants will have no objection to, and therefore the law of supply and demand will in itself not necessitate any honourable member coming forward with a demand to extend this Act.

Khan Bahadur D. B. COOPER: The difficulties can be removed by Government.

The Honourable Mr. COWASJI JEHangIR: My honourable friend says that the difficulties can be removed by Government. I presume what he means by "difficulties" is the scarcity of houses in Bombay.

[Mr. Cowasji Jehangir]

All I can point out is that Government have already constructed thousands of one room tenements and a large number of them are vacant, and that this is to some extent the effect of the Rent Act. Notwithstanding the loss that the extension of this Act means to the general ratepayer, Government have come forward with the extension of the Rent Act in the interests of the poor.

An Honourable MEMBER: What about the middle classes?

The Honourable Mr. COWASJI JEHANGIR: As to the middle classes my honourable friend is aware of what Government is doing in the suburbs. My honourable friend has heard the speeches of honourable members in this House during the budget that no further steps should be taken in the suburbs, that the suburbs should not be further developed and that we should only complete what we have got in hand; these were suggestions made by responsible honourable members of this House. Government have been doing their very best to develop and supply land at cheap rates in the suburbs, but there is not a great demand although there are lands for sale in several suburbs of Bombay. It is for honourable members to come forward and persuade their friends to buy this land and build on it. Government have got a scheme whereby they are prepared to assist any citizen of Bombay who desires to build a cottage for himself; they advance half the amount of the cost of the building and three-quarters of the amount of the cost of the land.

Mr. President, I do not desire to take up any more time of the House. I trust honourable members will ultimately find that the proposals in the select committee's report are really satisfactory. There may be a clash of interests. There is certainly often conflict of opinion, but when we boil down all these facts and look at them from an impartial point of view, I feel confident that honourable members will agree that the proposals in the select committee's report are reasonable and fair and ought to be accepted by this House.

Question put that Bill No. 1 of 1925 (a bill further to amend the Bombay Rent (War Restrictions) Act and the Bill read a second time. Bombay Rent (War Restrictions No. 2) Act, 1918) be read a second time and carried.

(Bill read clause by clause.)

" Clause 1 (*Short Title and Operation*) ordered to stand part of the bill.

Clause 2. (*Amendment of section 1 of Bom. II of 1918.*)

In sub-section (4) of section 1 of the Bombay Rent (War Restrictions) Act, 1918, hereinafter called the principal Act, for the figures and words " 1925, in respect of any premises used as a dwelling-house " the figures and words " 1927, in respect of any premises used wholly or principally as a dwelling-house of which the standard rent exclusive of the percentage allowable under this Act does not exceed Rs. 25 in any place in the taluka of North Salsette in the district of Thana and the taluka of South Salsette in the Bombay Suburban district except the villages of Bandra, Santa Cruz and Andheri, Rs. 50 in the municipal limits of Bandra and the limits of the notified areas of Santa Cruz and Andheri in the taluka of South Salsette in the Bombay Suburban district and in the municipal district and cantonment of Karachi, and Rs. 85 in any other place " shall be substituted.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I propose to move:

"That in clause 2, line 3, delete figures '1927' and substitute figures '1928'."

The result of my amendment will be, Sir, to bring the Government bill to its original proposal because as is well known to this House, in the last session when the Honourable the General Member moved the introduction of this bill on the first reading the original proposal extended the period to 1928, and it is interesting to read the remarks of the Honourable the General Member on that occasion. He said, Sir, that Government after mature consideration have come to the conclusion that the Act should be extended by three years only for residential purposes. I ask this House to consider the expression "after mature consideration". That was in the month of March when the Honourable the General Member introduced this bill, and in introduction he stated that Government have made use of all the facilities at their disposal, they collected all the statistics and the material and as a result of all that "after mature consideration" they came to the consideration that the bill should be extended up to the end of 1928, and I am not asking in my amendment anything more than what the Government have after mature consideration proposed, and I may also inform the House, if I may be permitted to refer a little to what transpired in the select committee, that the Honourable the General Member in his reply stated.....

Mr. R. D. SHINDE: Sir, on a point of order, may I ask whether it is in order for the honourable member to refer to the proceedings in the select committee?

The Honourable the PRESIDENT: The select committee proceedings are confidential and have been held to be such. The honourable member may in general terms state the broad principles instead of going into details.

Mr. K. F. NARIMAN: If the honourable member had waited till I completed my remarks.....

The Honourable the PRESIDENT: I have given my ruling.

Mr. K. F. NARIMAN: As I said, the Honourable the General Member in his reply said that all the amendments in the select committee were passed by a large majority except one, and one amendment was passed by a majority of only two. That amendment referred to by the Honourable the General Member is the amendment in question. This very amendment reducing the period of 1928 to 1927 was passed by what we call a majority of two and why I question the majority of that is, Sir, that the two honourable members who voted for it are those two gentlemen whose opinion in this particular respect, with due deference to them, is not entitled to carry very great weight.

The Honourable the PRESIDENT: That is really going into the details of what happened in the select committee. The broad fact that the amendment was carried by a majority of two is relevant, but if the honourable member goes into the motives of the honourable members of the select committee in voting in particular ways, not on the merits of the case, but because there were some other motives underlying it, it is clearly irrelevant and out of order.

Mr. K. F. NARIMAN : If you permit me to explain myself, Sir, . . .

The Honourable the PRESIDENT : No explanation is needed, when the honourable member's remarks are open to only one construction that they voted for particular reasons which do not count. That, in substance, is what he says.

Mr. K. F. NARIMAN : I again repeat that I attribute no motives to any honourable member of the select committee, but from the circumstances in which they were placed.

The Honourable the PRESIDENT : That is a matter of detail.

Mr. K. F. NARIMAN : So much has been made of the select committee's report, but the important point which I wish the House to consider is this, that the Honourable the General Member, in the select committee, adhered to the original proposal for the extension of the Act to three years. That is a matter of very great importance.

The Honourable the PRESIDENT : The honourable member continues to defy the ruling of the Chair. I have told him repeatedly that these details of what occurred in the select committee cannot be brought forward here. The broad fact that it was carried by a majority of only two is relevant, but what were the motives which underlay their decision is not relevant to the present issue.

Mr. K. F. NARIMAN : I will not refer to it, but certainly I can make use of the fact that it was a bare majority of two, and therefore this amendment ought to be reconsidered by this honourable House rather carefully, particularly when the Government have stated that they fixed the period of extension at three years after mature consideration. Now, I refer to another part of the speech made by the Honourable the General Member at the time of the introduction of the bill, when he stated the reasons why he fixed the period of extension at three years. He said that from the facts and figures obtained by Government they found that for premises rented at Rs. 300 and above there has been a decrease in rents, and they think it is by about 50 per cent; for tenements between Rs. 100 and Rs. 300 there is about 25 per cent. decrease, while for tenements under Rs. 100, they have come to the conclusion that there has been no decrease, after an examination of such facts as were available. This is a very important fact to be considered by the House at this stage, when we are considering the period for which the Act should be extended. After all the materials available to the Government had been considered—and I take it they also considered the position of the Improvement Trust, the Development Directorate, the Municipal Commissioner as well as all the other institutions—they came to the conclusion that so far as rents of Rs. 100 and downwards were concerned, there was no decrease from the year 1916; I take it that was the standard. Therefore, the Honourable the General Member wants us to consider the fact that during the long period between the years 1916 and 1925, in the case of premises with rents of Rs. 100 and under, there has been no decrease; that has been the result of the investigation made by the Government with all the material at their disposal. Then, I put it to the

[Mr. K. F. Nariman]

House, is this result to be achieved within the next two or three years? Do you expect that within the period of the next two years by which it is proposed to extend the Act, or the period of three years according to the amendment, the rents that did not go down from 1916 to 1925 by even 1 per cent., when you consider the rise that occurred from 1916 to 1925, and the results of the enquiries show that they did not go down at all, are going to be lowered so substantially as not to justify an extension of the Act any more? Therefore, Sir, considering all the circumstances the bill should be extended at least for the next five years. I do not know if the proposal of the select committee to reduce it to two years was a sort of counter-move in order that our demand may be minimised and reduced to three years. If that is the position, I should be glad to hear from the Honourable the General Member that he is again, after consideration, prepared to adhere to the original proposal in the bill as originally drafted, and to accept the recommendation to extend the Act to three years, as the Government itself had considered that period to be the proper one after mature consideration. If not, this amendment will have to be discussed on its merits. So far I am glad to note that, with the exception of my honourable friend Sir Vasant Rao,—and he is ordinarily and usually an exception in these matters—all the other honourable members who have spoken on the subject have agreed to the principle of the bill. That has considerably lightened my burden. I know that no amount of argument from me will convince my honourable friend Sir Vasant Rao, as I know that no amount of argument from him will convince me. Therefore, I will not waste any words on him, but so far as the other honourable members are concerned, they have so far shown that they are prepared to accept the principle of the bill, and, as far as I can make out from the different speeches, they are in favour of the extension of the period to three years, and one honourable member suggested that it should be extended for a period of five years.

Coming to the merits of the bill, the most important speech that I heard was not to-day, but it was the speech of my honourable friend for Bombay, North (Mr. A. N. Surve) on Saturday. Although it was a speech on the motion to recommit the bill to the select committee I take it, and most of the honourable members in this House understood it, to be a speech not for the recommitment of the bill to the select committee but to scrap the bill altogether, or to reduce the period of extension from two years to one year. That was his intention, so far as I could understand him. There is an amendment standing in his name reducing the period of extension from two to one year. Therefore, instead of wasting any more time, I should try to answer the arguments of my honourable friend, and I must say they appeared to be well laboured arguments based on statistics collected from official sources, because I think that those facts and figures which were advanced by the honourable member Mr. Surve on Saturday are bound to carry weight with some of the honourable members who are not conversant or acquainted with the facts and circumstances of the city of Bombay. In the course of his

[Mr. K. F. Nariman]

speech, he quoted almost all the authorities that could be available for the city of Bombay. He quoted the Municipal Commissioner, he quoted the Development Directorate, he quoted the Collector of Bombay and, if I mistake not, he quoted also the Land Manager of the Improvement Trust. I may tell my honourable friend that all these institutions of Government as well as of the local bodies are powerful, influential and well instructed enough. Some of these institutions are specially represented for the purposes of this bill, by the Government nominating the Chairman of the Improvement Trust to represent that body in the House. So far as the Development Directorate is concerned, I take it there is no other honourable member who is prepared to safeguard the interests of that body better than the Honourable the General Member who has moved the first and second readings of the bill. But the honourable member for Bombay, North (Mr. Surve), has always advocated the cause of the depressed and the backward classes. He wants them to enjoy the municipal and the Legislative Council franchise; he is always fighting for the rights of those classes in this House and the Bombay Corporation. It would have been far better for the backward classes if he had quoted their miseries, if he had quoted their hardships, and if he had quoted some statistics showing the hardships and the sufferings of these poor people whom he is supposed to represent rather than quoting the statistics of so many important bodies including the Collector of Bombay and the Development Directorate. For, Sir, if he had studied the statistics of that side and the popular side instead of wasting so much time and energy in quoting to this House the statistics of the Government side and the official statistics which are published and are on record, he would have seen what is the state of the poorer tenants, particularly in the north of the city which he is supposed to be acquainted with and which he is supposed to represent. What is the position of the north of the city? Does he know how many citizens of the city of Bombay are lying on the streets of Bombay without any roof over their heads, and without any tenement whether controlled or decontrolled? Thousands and thousands are to-day occupying the streets of Bombay as their premises without having a dingy hole. My honourable friend stated that so many Development chawls are vacant and people do not go and occupy those chawls because of the Rent Act. It is a fact that thousands of tenements of the Development chawls are vacant, and thousands of people live in tenements which are worse than the Development chawls, much more insanitary and much more unhealthy. These people do not go to the Development chawls. And what is the reason? It is poverty: it is not that they do not wish to occupy better premises. Certainly, Sir, nobody with human instincts would refuse to seek comfort. They would naturally prefer the Development Directorate chawls which are decidedly better than the chawls which they at present occupy. Why do they not go? Because they cannot afford the rent. That is at the back of the whole trouble. If they could afford, they would be the first persons to leave the dirty holes which are much worse than the buffalo stables in the north of the Island. An inhuman suggestion was made by the honourable member

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who made a speech yesterday, that in order that the Development Directorate might not suffer any loss, the Rent Act should be removed so far as the lower classes are concerned, so that these unfortunate tenants may be driven away from the chawls which they are occupying and compelled to pay more rent than their capacity permits. That was the suggestion made yesterday. One reason why he did not want the Rent Act to be extended was this : that after the removal of the Rent Act the landlords would increase their rents and the tenants would be forced to leave the chawls which they occupy now and go to the Development chawls, and the Government treasury would thereby be saved from a deficit. That is a suggestion which I cannot help calling inhuman. My honourable friend wanted to force the people to pay more rent in order that the Development deficit may be made good. I am sure there will be no other honourable member who will endorse that view. Whatever the loss to Government may be, there are other ways of making good that loss. There are several ways which this House has suggested. They have suggested that the Development works might be curtailed. I am sure that nobody will endorse the argument that because Government are suffering a loss, therefore the Rent Act should be removed and the poor tenants should be made to leave their chawls and made to occupy the Development chawls.

Another point which strikes me as justification for the extension of the Act is the point which Government themselves have been making. The original extension was fixed for a particular period, as it was then expected that the developments that had been undertaken by the various public bodies, the Municipality, the Improvement Trust as well as the Development Directorate, would by then be completed and the citizens of Bombay would be relieved of the congestion and be able to shift to the developed area. Now, what is the condition ? Has the development proceeded according to the original calculation ? Has the congestion been removed, and have the citizens been able to shift to areas developed by the Development Directorate, Improvement Trust or the Municipality ? If you will see, Sir, the city is now passing through a transitional stage of development. Everywhere you will find the hand of the spade. Whether it be the municipal corporation of Bombay, or the Improvement Trust, or the Development Directorate, everywhere it is the hand of destruction. Everywhere buildings are being pulled down ; everywhere large open areas are being left open unbuilt upon. All sorts of temptations are offered by Government ; Government are prepared to offer money to them ; but the people are not prepared to go and invest in suburban areas. Why ? After all, development must go hand in hand with security of life and property. Have Government been able to offer that security of life and property so far as the suburban residential areas are concerned ? Government have offered transport facilities, and other facilities, but so far as the security of life and property is concerned, Government have failed. I am glad, Sir, that further suburban development has been suspended.

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Another important reason for extending the Act is the present depression so far as commerce and general employment is concerned. Sir, there is a general cry that misery is prevailing in almost all the families, particularly in middle and lower class families. Numbers of wage-earners are without employment. At such a period as this, if you remove the rent control, what would be the result? Those capitalists who are both landlords and businessmen, when they find they are not able to make good profits in business transactions will take the opportunity to make up their deficits by increasing their rents from house property. So far as the middle classes are concerned, their position has also gone down on account of the depression. So many young men have been turned out of employment and they are moving in the streets of Bombay seeking for employment from office door to office door. The removal of the control early will therefore be a very great danger. Therefore I hope the House will reconsider the position. I am asking only that the position which Government itself took up after mature consideration should be accepted and the Act extended for at least three years more.

Khan Bahadur D. B. COOPER : Sir, can we have an adjournment of the House? We want to attend the evening function (opening of the new railway station at Poona.)

The Honourable the PRESIDENT : A suggestion has been made that there should be an early adjournment of this House for to-day. Is it the general wish of the House that we should adjourn at half past four? (Votes taken by show of hands : Ayes 35 ; Noes 38.)

The House will not be adjourned.

(After Recess.)

Mr. A. N. SURVE (Bombay City, North) : Sir, the honourable member representing Bombay (South) has really forced me to be on my legs. I am very much thankful to him for his appreciative and complimentary remarks, but I may at once tell him that there are two ways of looking at a thing. The one is to look to the immediate future and temporary gain; the other is to look to the distant future and the real solid and lasting gain. I do not know whether the honourable member knows that I actually belong to and not merely represent the backward classes. I have lived among them, I live among them, I know all their habits, I know their good points and I know their bad points. I do not know them from mere reports or from appearances. The kindness which he has done in advocating their cause would certainly call for thankfulness, but I am sorry that I must characterise his kindness not real kindness but unkindness. The honourable member has been saying that people have been living in the streets, that they have no money. Does he know the Bombay of thirty years ago? Does he know why the Improvement Trust was created? Does he know the havoc caused by the plague epidemic? If he had known all these facts, he would not have advocated what he did to-day. He says people have been living in slums and yet he says let them continue to live in the slums, let epidemics visit them, let the poor be carried away in thousands. Is that what he

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wants? Does he want the poor people to be carried away in that way? He ought to know that poor people living in bad and insanitary houses fall easy victims to disease and death. One who is really interested in their well-being will never say "continue the Rent Act in its entirety and let the tenants live in slums, in insanitary houses and be carried away by plague, influenza and death". Has he been noticing the mortality rate in the city of Bombay for the last two or three months? Does he know that it is the lowest for the past 25 or 30 years? What is that the effect of? Is Mandvi, Koliwada in existence? Is Dongri in existence to-day which was in existence before the epidemic of plague? It is a very good thing to speak out for the benefit of the poor without knowing all the ins and outs of their living conditions and to win cheap applause. Anybody can do that.....

Mr. P. G. JOSHI: Is the honourable member right in attributing motives?

The Honourable the PRESIDENT: I do not quite follow what motives he attributes.

Mr. P. G. JOSHI: He used the words "win cheap applause" which is equivalent to using the expression "playing to the gallery".

Mr. A. N. SURVE: I never said "playing to the gallery".

Mr. P. G. JOSHI: But the honourable member said "win cheap applause".

The Honourable the PRESIDENT: I do not think that is unparliamentary.

Mr. K. F. NARIMAN: I do not mind it at all, Sir.

The Honourable the PRESIDENT: If the honourable member had attributed motives to a particular individual member, he might have been out of order, but a general expression like that is not unparliamentary.

Mr. A. N. SURVE: It was only a general expression.

Then about the people lying in the streets, the honourable member probably is not aware of the different kinds of population that reside in Bombay. Bombay is made up of two kinds of population—permanent and floating or transitory. By "transitory" I mean people who ordinarily live in the districts and when there is no rain or there is no agricultural work, they come down to Bombay from their districts for work, stay there a few months, perhaps for two or three months, and then return to their homes. These people have no permanent residences, therefore they naturally board with somebody and spend their nights in the streets or in the verandahs of houses. Such temporary population cannot be provided for by anybody.

The proposal of building 50,000 tenements for the working classes is curtailed to 16,864. That is very well known to this House now. In my speech at the budget time I showed that the death rate in the chawls built by the Development Directorate was phenomenally smaller than in other areas of the city and I say again that it is in the interest of the people that they should learn the way of healthy living and to be free from dust, dirt and death. I need not carry the point any further.

[Mr. A. N. Surve]

Coming to the subjectmatter of the amendment before the House, I have spoken sufficiently long, but I still feel it my duty to ask only one or two questions of the Honourable the General Member. It is a very relevant thing. The financial aspect underlying the development expenses is a very relevant figure as far as the duration of the Rent Act is concerned. I put these figures to the Honourable the General Member and I ask him whether I am right or wrong in stating that the expenditure on the housing schemes, as it stands to-day, is or is not Rs. 31,41,000. That is the expenditure side, and on the income side the cotton cess amount based on the average of past four years comes to Rs. 15,70,000. Taking the rents accrued with reduced rents for the month of May, the monthly total was Rs. 33,200. Multiplying that by twelve, the yearly rent will be somewhere near Rs. 3,98,400. The cotton cess and the annual rent will come up to Rs. 19,68,400. Therefore, the deficit will be at the end of the year Rs. 11,72,600. Whether the figures I have stated are correct or not, that is my enquiry; because on the correctness of these figures will largely depend the question of fixing the duration of the Rent Bill. I oppose this amendment *pro forma*, because my amendment which is similar in effect but which contains some important differences is to follow.

Mr. R. D. SHINDE (Nasik District) : Sir, with great deference to the last speaker, I think that the amendment before the House should be supported. To my mind the change made by the select committee in altering the duration of the bill from three years to two years is of a retrograde character and should not be accepted by the House. Sir, you will find that the majority in the select committee have not assigned any particular reasons why in their opinion the protection should not be extended beyond 1927. The House is well aware, Sir, that even Government after mature consideration had come to the conclusion that protection was necessary for three years more, and in these circumstances, the House will be well advised in retaining the figure "1928".

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, in the first place I do not think there is any necessity for introducing this protection at all, because if you look to the present conditions of housing in Bombay, I fully believe and sincerely believe that the economic law of supply and demand will adjust itself, and there is not the least necessity even for extending this Act for two years more. Sir, I think it will be certainly more to the advantage of both the landlords and the tenants if they are left to their sweet will to settle their terms as was done in the past rather than bind themselves by any piece of legislation. Not only that. It is, I should say, only on account of an artificial agitation by some people that this state of conditions has arisen. I was in Bombay only yesterday, Sir, and in a principal locality, near Crawford market, a shop has been vacant for the last three months where people were ready to pay Rs. 5,000 for *pugri* or turban at one time of the boom.

Mr. J. C. SWAMINARAYAN : Is the honourable member in order, Sir, in referring to business premises? We are now dealing with residential premises. He refers to the non-residential premises.

The Honourable the PRESIDENT: Yes; the honourable member should refer to the bill as it stands.

Khan Saheb A. M. MANSURI: I was just mentioning, Sir, that though this Council did away with the legislation about these shops, still you will see that it clearly proves that when the shops are vacant, there is nobody to occupy them. That is what I wanted to prove. And as regards chawls, I think it is better for landlords and tenants to be left to themselves to settle their terms, and the economic law of supply and demand will adjust itself.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support the amendment moved by my honourable friend Mr. Nariman. I was not in the least surprised at the select committee bringing down the period of extension from three to two years, because considering that the select committee consisted of a majority of capitalists nothing better could be expected from them. And yesterday when I listened to the speech of my honourable friend Mr. Surve, I was surprised that he could come forward as the defender of tenants. His real attitude from his speech to-day has been proved. His attitude is that he is for the capitalists. He wants to restrict the period of protection to 1926 as his amendment will show.

Mr. A. N. SURVE: You have not taken notice of the proviso.

Dr. M. B. VELKAR: Government themselves were originally prepared to extend it to three years, the select committee have altered it to two years, while my honourable friend Mr. Surve wants to extend it only to one year. Then again, I was also surprised at one or two remarks which my honourable friend Mr. Surve made yesterday, namely that he was supported in this contention, first of all, by the Chairman of the Improvement Trust. May I tell him that the Chairman of the Improvement Trust is nothing but a big landlord and as such I do not believe that he could quote the support of the Chairman of the Improvement Trust. Now, Sir, . . .

The Honourable the PRESIDENT: I want honourable members to realise what the procedure is. I have repeatedly pointed out the procedure, but it does not appear to be quite appreciated. The honourable member Mr. Surve's speech was made before the second reading of the bill was accepted by the House. At that stage the question whether the House will give a second reading to the bill or will reject it *in toto* was the issue before the House, and all the speeches that could be made against the arguments advanced by the honourable member Mr. Surve ought to have been made on the motion for the second reading. Now, the House has, not with a very small minority but by an overwhelming majority, accepted the second reading of the bill. Therefore, there is no question as regards the arguments advanced on the occasion when the second reading of the bill was still undecided. At present the only issue before the House is whether the period of the extension should be two years or three years, and later on when the honourable member Mr. Surve's amendment comes up the issue will be whether it should be one year. It is unnecessary at present to go into the whole Act. I have repeatedly told honourable members that the second reading is the

[The President]

occasion when hardly any point of order could be raised as regards the scope of the observations of honourable members. I hope after this further explanation honourable members will realise what the real procedure is. I will not rule the honourable member Dr. Velkar out of order, but I really want honourable members to realise what their privileges and limitations are.

Dr. M. B. VELKAR: All right, Sir, I bow to your ruling. I only want to ask one question of the Honourable the General Member: On what principle does he want the extension of the period to be only two years instead of three years? The general public of Bombay believed, and sincerely believed, that even the extension of the Rent Act for three years would not be sufficient. They believed that the Rent Act would continue to be on the Statute Book so long as there was housing famine in Bombay. In what way is the situation going to change in two years? That is the question which the honourable member (General Member) should reply to. In England the situation as regards this matter of rents is not so bad. But still the bill there has been extended up to 25th December 1927, and even after that for five years more there will be a partial control, but with a substantial executive authority of Government this Rent Act could be extended for a further five years. The difference between the situation here and in England is this, that there Government is making provision for building new houses in the meantime, that is, when the Rent Act is still in force. Here what do you find? Vast areas of land are in the market still undeveloped and unbuilt upon to be built upon by the tenants. If you look at the suburban scheme, you will find it is in suspended animation. Even in the case of Back Bay Reclamation, it will be a very long time—at least a decade—before you can have even an acre to build upon. If the situation is not going to change for at least ten years, I believe the Rent Act ought to be on the statute book till then. When this Act was enacted, Government gave an assurance that so long as the housing programmes under the Improvement Trust Scheme and the Development Scheme could not be completed, till then this Act shall not be disturbed. Therefore I ask Government not to disturb the Rent Act and as such I hope the amendment will be carried by this House.

MOULVI RAFI UDDIN AHMAD (Central Division): Sir, I am not surprised that the House finds itself in a difficult position to decide the question because the representatives from the city of Bombay have given expression to divergent views. I have been listening to the honourable member Mr. Nariman who has given us a very long speech and I myself think that long speeches are only necessary for bad causes. Moreover I do not know whether he is serious, though I have always found him sober except when he is inebriated with the exuberance of his verbosity. According to his arguments even five years would not be enough, and this would become a perpetual Rent Act upon the statute. The Honourable the General Member was right in taking the mean between two such extremists as the honourable the Parsi member and the gallant Hindu

[Moulvi Rafiud'din Ahmad]

knight behind me. Sir, this House will be well advised in accepting the compromise that has been brought about by the select committee.

The poor will always remain among us and it is very hard that richer classes should be penalised. The public of Bombay have been sufficiently patriotic and charitable in putting up with a measure which Government thought necessary for the war. They bore the burden for a sufficient period of time and it would be taxing charity too much to prolong the period. I think, Sir, the present bill has come very well out of the hands of the select committee and I for one shall ask the House to reject the amendment of my honourable friend Mr. Nariman.

Sir LAWLESS HEPPER: Mr. President, certain figures have been quoted in connection with the Directorate chawls and I think it advisable that I should make a brief statement to inform the House what the actual position is in regard to these figures. I do not propose to offer any comment or to suggest any conclusions that may be drawn. I only desire that the House should be in possession of correct information so that honourable members may form their own opinion. The present scheme consists of building 16,500 tenements, and the whole of these tenements will be completed and ready for occupation by next December. For more than six months there have been available for letting a little over 6,700 tenements. Of these tenements the number at present occupied is 3,700. There is no reason to suppose that if the whole 16,500 tenements were ready to-day, any more than 3,700 would be occupied. It would therefore appear that under existing conditions, for some reason or other, out of the 16,500 tenements something over 12,000 are surplus to present requirements.

Then, Sir, the question of rent was mentioned. Up to the end of April last the average rent was Rs. 11 per tenement. With effect from the 1st of May the rents were reduced by Re. 1 at DeLisle Road, by Rs. 2 at Naigaum and by Rs. 4 at Worli. At Worli where the largest number of vacancies occur, the lowest rent is Rs. 6-8-0 and the highest Rs. 7-8-0 per month. In the same way at Naigaum the corresponding figures are Rs. 8-8-0 and Rs. 9-8-0, and at DeLisle Road Rs. 9-8-0 and Rs. 10-8-0. The honourable member Mr. Surve referred to the figures of the capital cost of the chawls. The annual expenditure is estimated at Rs. 31·41 lakhs. The cotton cess, taken on the average for four years, comes to Rs. 15·70 lakhs, and the receipts from rents of four thousand tenements, at the present rents, would amount to about Rs. 3·90 lakhs. The figures given by the honourable member Mr. Surve are therefore substantially correct.

Mr. D. R. PATIL (East Khandesh District): Sir, I rise to support the amendment of my honourable friend from Bombay, Mr. Nariman. The only question before us is whether we are to accept the figures 1927 or 1928. At first Government was prepared to extend the Act for a period of three years, and I think there was sufficient material before Government to fix that period. I do not know why we should differ from the view taken by Government so far as the extension of period goes to three years. There is no dispute about the period of two years. That we know very

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well. Now there is a dispute only of the period of one year. If we look to the poor tenants' condition, I think that every man who has got a human heart ought to support the amendment for the sake of poor tenants. We know that the landlords might be sufferers to some extent, but let us wait for three years and see how matters develop, and if we find at the end of three years that the landlords are losers, then let the landlords put their case before us and we shall consider their case. Government have got the statistics and on the strength of those statistics they have fixed the period of 3 years and so we should accept it. If we refer to the speech of the honourable member Moulvi Rafiuddin Ahmad, we find that he has got difficulties here and there and so we can say, he is a gentleman of difficulties, but here the matter under consideration is very simple. If we look to the condition of poor tenants, I think we, as human beings, ought to support the amendment.

Mr. J. BAPTISTA (Bombay City, North): Mr. President, in the first place I must congratulate my honourable friend Dr. Fernandez for the spirited speech that he delivered. He is, so far as I observe, one of the most faithful supporters of Government. He supports them even when they are occasionally wrong. That is, I think, why his opinion ought to carry great weight with the Honourable Member in charge of this bill. That shows the strength of the feeling outside and also the strength of the case for the amendment moved by my honourable friend Mr. Nariman. We were assured that the Government, after mature consideration, resolved to prolong this Act for three years. I presume mature consideration means mature judgment. I therefore do not see why my honourable friend should depart or diverge from that sound judgment by unsound voting in the committee. So far as the voting is concerned, if my recollection is right, the voting there was more or less informal, and at first the proposal of three years was carried. Some two members, one official and one semi-official, abstained from voting. Somebody insisted that they should vote.....

The Honourable the PRESIDENT: The honourable member is going into the details of what happened in the select committee.

Mr. J. BAPTISTA: I beg your pardon, Sir. I only wanted to show that it was carried by semi-official and demi-official votes. I find that my honourable friend Mr. Delves was one of those who voted for that amendment.

The Honourable the PRESIDENT: Is not that going into the details?

Mr. J. BAPTISTA: I beg your pardon, Sir. I should like to call attention to one important fact, and it is this, that so far as the rents in Bombay are concerned, there is absolutely nothing wrong for us to control these rents, and the landlords must not imagine that we are tyrannising over them or depriving them of their rights, so far as their liberty to raise the rents as they please according to demand and supply is concerned. We must not forget that we are spending Rs. 3 crores in Bombay. It is public money which we spend and the greatest benefit of that public money of Rs. 3 crores spent in Bombay goes to the

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landlords. The house properties would not rise in value and the rents would not rise were it not for the fact that the Corporation of Bombay have been spending for the last three years over 1½ crores on amenities such as roads, lighting, and all that in Bombay, which naturally continues to develop property and enhances the value of property. I therefore think there is no comparison between houses in Bombay and any other merchandise, because we are deliberately and materially contributing towards the enhancements in value. So far as other merchandise is concerned, we can import it and compete in prices, but we cannot import houses, nor can we build houses. The greatest offenders in this matter no doubt were the millowners, and the Improvement Trust in particular. You know very well, Sir, how you yourself and others have advocated that Rs. 72 lakhs were to be spent on building houses. What did they do? For two or three years they spent nothing. Then they spent a few lakhs. I find from the figures that between 1900 and 1910 they spent Rs. 31 lakhs on building houses, and the cost of the houses was Rs. 750 per room. Now, what do you find? In the year 1922 they spent in one year alone Rs. 62 lakhs, and the cost per room is Rs. 2,400. Nobody knows why they ran mad in building houses when the cost of construction was high. When we asked them to do so, they would not do anything, but they took it into their heads to spend Rs. 62 lakhs in one year. The result was that the cost of building went up, and what happens now is that they provide sites without buildings. We pressed upon them that it was no use providing sites without buildings upon them. Had they done so, we should not have had a bill of this description. We could have built four times the number of houses if we had built between 1900 and 1910, that they have been able to build with this amount of Rs. 62 lakhs in 1922. The point is, we have been told that so many tenements are vacant in the Development Directorate chawls, and apparently the inference to be drawn is that there is no more demand for it. I think that is a very erroneous and fallacious inference. The truth is that the rents are too high for the people, and therefore they do not occupy those tenements, and that is also shown by the fluctuating rents. The Director of Development pointed out that in some places they charge Rs. 10, in others Rs. 7½ and Rs. 6. That distinctly shows that there is no demand for them because they are too heavily rented, and the people cannot afford to pay them. The result has been overcrowding in houses to such an extent that it affects the health of the people. They die by thousands, and we cannot stop it. If a man is murdered the whole of the city rises and says "Here is a man murdered", but thousands die on account of unhealthy conditions owing to overcrowding, and nobody complains. I therefore ask this Council to consider very seriously whether they should prolong the Rent Act for three years or not. I feel disposed to believe from what I know of the Honourable the General Member that if he cannot accept this amendment as moved by my honourable friend Mr. Nariman and thereby restore the bill as it originally was, at all events he will not oppose the carrying of this amendment. I do not wish to go into other details, because we shall have to consider

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them when we come to the amount of rent to be controlled. The simple question now is whether it ought to be two or three years. In England the period has been extended. In Calcutta it is longer than in Bombay. What has occurred in Bombay that they should shorten this period? The houses provided are too heavily rented for the people to be able to pay. If the Director of Development were to convert his single room chawls into four room tenements, he will get them occupied at a rent of Rs. 30 easily. Those tenements are unfit for people who can pay more than Rs. 10. If he investigates, he will find that if he converts them into flats of four rooms, they will be occupied by people who will be willing to pay four times $7\frac{1}{2}$, that is Rs. 28 to Rs. 30. What they forget is that this law at the present moment will affect the middle class people. Their percentage is not more than 3 or 4, but the whole of that class will be affected, and it is that class we are to take into consideration. They are respectable, they have to live in decent houses, they have to pay more, but there is no provision made for it. One or two societies are making some provision, but it is very inadequate provision for rooms for the middle classes. Their percentage may be 2 or 3 of the population of Bombay, but still it is an important class. It is an intelligent class; it is one of the most respectable classes that we can find in any city. I shall therefore appeal to the members here to carry this amendment, and I hope that the Honourable Member in charge will be gracefully pleased not to oppose it, or at all events that he will not vote against it.

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce): Sir, I oppose this amendment. I am glad to be able to say that I speak not as a landlord but as one of those unfortunate people whose tenements are to be decontrolled next Christmas. Sir, I have listened with great care to the speeches of all the members who have spoken in favour of my honourable friend Mr. Nariman's amendment, but I have not heard one single reason why the period should be three years instead of two. There were many long speeches, all of them giving very excellent reasons why the Rent Act should be continued for a further period, but no logical reasons why it should be one period as against the other. It seems to me, Sir, that if honourable members of this House want the Rent Act to continue for three years, as against the two years' period which has been put forward by the select committee, they should advance some reason for it. The only reasons that have been put forward, as far as I can see, are that the tenants would like it. No consideration whatever has been given to the position of the landlords in the matter, and I would remind this House that the lengthening of the period from two to three years is not a benefit in any way to these poor people on behalf of whom my honourable friend Mr. Nariman has delivered such a studied appeal. If this Act is put into force for a further period of two years, the poorer classes who will come under the protection of the Act will be protected for two years just as much as if the Act were extended for three years. I think, Sir, we all agree that they should have some protection, in spite of the fact that the development chawls are, to a large extent, empty. At the end of two

[Mr. V. A. Grantham]

years, the matter will again come before this House, and if this House then thinks that the poor tenants should be further protected it is in the power of this House to give them that protection. I do not see, Sir, that the poor tenants will suffer any hardship if the Act is not extended for three years. On the landlord's side of the question, I think there would be a great hardship if the period is three years instead of two. My honourable friend Mr. Nariman has taken certain periods 1916—1919 and 1919—1925, and asked us whether there is any likelihood in the next two years of rents coming down, when those rents have remained steady and had even risen from 1916 to 1925. I submit, Sir, that those periods were utterly abnormal. The period 1916—19 were war years. The period 1919—25 covered first the years of the boom period and then the years of depression. I submit, Sir, that hitherto there has been no chance of housing conditions being rectified, and if the conditions are to be rectified they will be within the next two years. And I think we should give a chance to the landlords to be able to put up their rents at the end of the two years, or conversely for rents to come down rather than tie them down for three years, especially as, as I have said before, the putting up of the period to three years is not going to immediately help the people on behalf of whom the amendment is being moved.

The only other point, Sir, is the reference being made by several honourable members to the conditions in England. I do not know whether those honourable members have been in England recently. If so, they will know that conditions in Bombay are utterly dissimilar to conditions that exist in England. Those conditions cannot be compared, and I submit, Sir, that that argument should be ruled out when considering this matter. I oppose the amendment, Sir.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the amendment of my honourable friend Mr. Nariman. The argument is advanced that many of the Development chawls are empty, that the Development Director has gone so far as to reduce the rents and yet people are not coming forward to take advantage of those chawls. It was stated by the honourable the Development Director that the rents were reduced so low as Rs. 6-8-0 per room, and still those rooms were not occupied. The reason is obvious that there are people who are not able to pay so high a rent. This implies that there must be a large population in Bombay that have to depend on rooms which are cheaper than Rs. 6-8-0. Now, if the Rent Act is removed, and the rents of those rooms which are now rented for less than Rs. 6 (Rs. 4 or Rs. 5), were to be put up, what will be the result? There will be absolute misery. Those people whose rents would be increased by the landlords would not be able to pay the enhanced rent, because even as it is they are not able to go to the Development chawls which are being offered for Rs. 6-8-0. It is, therefore, necessary that we should not deprive those people of the benefit that they are now receiving from this enactment. Now, the conditions are very difficult in Bombay. Just now we have heard that the depression in the cotton mill industry is such that labourers are faced with a reduction of

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their wages. If in such a critical stage, the labourers are faced with an enhancement of their rents, what would be the result? Consequently, the Rent Act requires to be continued for a much longer period than three years, because conditions will not change. Unless labour becomes more prosperous, unless the conditions improve, and unless the earning capacity of the poor people increases, it is not just to deprive them of the small benefit they are receiving from this enactment. When the bill was brought before the House for the first reading, Government had considered the matter very carefully. The Honourable the General Member stated that the matter was very carefully considered by the Government and they had come to the conclusion that a further extension of three years was necessary. I do not know why that idea has been changed. I think all this mature consideration depends upon what kind of support the bill is likely to receive in this House. It varies in mathematical language with the kind of support the bill will receive from the House. If it is thought that the bringing down of the limitation from 1928 to 1927 would give the bill a more favourable support, then that mature judgment will be revised. That is to say, that mature consideration will depend upon the state of feeling in the House. If the feeling in the House is strong then they will say "All right: it requires to be extended up to 1928". If it is realised that the House is likely to support the other point of view, then they will say "Let it be 1927". This is a peculiar case. Originally in the draft bill it was put as 1928, and it is very strange that the select committee have cut it down to 1927. I have been reading in the newspapers reports of public meetings in Bombay and the agitation going on in Bombay against the retrograde step taken by the select committee, and I realise that the people in Bombay need the protection of the Act for three years. In Calcutta without any ado, without any trouble, the Rent Act was extended up to 1928. Bombay appears to be more capitalised than Calcutta, and even for extension up to 1928 we have to fight such a severe battle. I think the Honourable the General Member would be well advised to stick to the original position which he had taken up in this House and to accept the amendment of Mr. Nariman.

Mr. R. H. A. DELVES: I rise, Mr. President, to support the report of the select committee and therefore to oppose the amendment. The amendment, Sir, is that the Act should be extended up to 31st December 1928, instead of to 31st December 1927. My reason for opposing the amendment is, I believe that the Act is to a very large extent defeating its own object. What is the object of the Act? In the words of the preamble, it is to restrict the increase of rents. I do not believe that you can effectively restrict increase of rent by any Act of the legislature, but that you can only do that by providing additional accommodation.

It has been stated that there is no land available on which accommodation can be provided, but that is not so. There are large areas of land available for building.

Secondly, it has been stated that the accommodation provided by the public bodies is not suitable for the middle classes, but that is so because they cannot provide accommodation for the middle classes. I know of

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my own knowledge that there are a large number of people in Bombay who are willing to build, but they are not willing to risk their capital till they know when the Act is likely to expire. They want some definite date. The people who provide accommodation for the middle classes are very largely men of small capital. They build with the intention of getting their premises occupied at a remunerative rent and then disposing of them at a profit. They build, as I have said, with a small capital. They have to obtain some of their materials on credit and also they have to raise a certain amount of money from the banks at a comparatively speaking, high rate of interest, and if they cannot get these buildings occupied and sold very quickly, they lose as the interest mounts up and eats away the small profit which they would otherwise make, and it is because these people will not run the risk of losing their capital that they are not prepared to build. Remove this Act and I believe they will come forward and at once provide the necessary accommodation. It may be asked, if that is the case, why not remove the Act at once? I personally should rather like to see it removed at once, but I do realise that if you remove it at once, you will create a certain amount of hardship. To obviate this you must remove control by degrees.

Mr. E. E. WOODS: Sir, the report of the select committee and the result of their labours now before us afford several interesting examples of human thought and ingenuity and the vagaries these are subject to during periods of stress and emotion. But for the seriousness of the subject, that is, the control and keeping down of rents, for a certain specified period and all for grave reasons of common welfare, the bill now before us might almost be termed farcical in its inception and contrary to its aims. When this bill came up for its first reading, the question of principle was discussed, and justification was urged that a restrictive rent measure such as this was presumably supposed to be, should be guided by certain proofs and conditions advanced by tenants and which were admitted as genuine, from the fact that Government themselves recognised the necessity of providing restrictions in the imposition of rentals, and for a definite period of three years. In the execution and design, however, of these restrictions, ostensibly put forward on behalf of tenants, it was all too apparent that instead of an equitable arrangement being arrived at to protect and continue the existing rights of these tenants, it was, I say, found to entirely overlook whatever claims the tenants were justly entitled to, and in an arbitrary and barefaced manner to ignore those claims completely.

This has been done in a two-fold manner—firstly, by the limit of rent control being placed at the absurdly low figure of Rs. 85 (a matter which I hope to have the opportunity of dealing with specifically on a later occasion) and secondly, (in order that the infliction of this injury should be intensified as much as possible), by curtailing the period of three years temporarily offered by Government in this Act with one hand, and almost immediately after snatched back by the vote in select committee by the other. A remarkable instance this of the seeming advantage of nimbleness of mind over conscientious purpose. I trust, however, that better

[Mr. E. E. Woods]

reasoning may prevail, Sir, and the period of 3 years as originally promised be restored, if only for the sake of *noblesse oblige*, and that the sanctity of a promise though only on a scrap of paper may be held inviolate.

For these reasons, Sir, I support the amendment of my honourable friend Mr. Nariman now before the House.

Dr. COSMAS FERNANDEZ: The honourable member representing the Chamber of Commerce told us that there were no reasons given for this amendment, but I say that neither he nor the select committee have given their reason why this Act should continue only for two years. No reason has been given. This Rent Act was passed when certain conditions existed and it is admitted by a majority that it was justified. I ask, have those conditions disappeared? It was passed during the war. In all countries, even in England or in Calcutta, the conditions that existed during the post-war period have not yet disappeared and the depression in trade and retrenchment on all sides continues. The conditions have not improved and I do not know that they will improve for even three or four years more, and things will come back to normal. As a tentative proposal Government had put three years and I do not see why it should be reduced to two years now. No reason has been given and as we expect the present conditions to continue for a much longer time, I certainly am in favour of the amendment before the House.

Mr. K. F. NARIMAN (Bombay City, South): Sir, there is not much left for me to say in reply as I find that all points of view have been properly represented. The honourable member Mr. Grantham said that neither the mover of the amendment nor his supporters had pointed out a single reason why this amendment should be supported, to which the honourable member, who has just sat down, has given a proper reply, that it is you who want to alter the original decision of Government by altering the period from three to two years and therefore it is for you to show why you want that mature decision of Government to be changed within a few months and why you want to reduce the period from three to two years. But if you really want to know the reasons, Sir, though the whole of my speech is based on several reasons, one of the main reason was stated by the honourable member from Sind. He has pointed out, Sir, that the years 1916, 1922 and 1925 are abnormal years so far as rents are concerned. That is just a reason why we want an extension of the period for a longer period. For, what was the object of the Act? To meet an abnormal condition; to meet, so far as Bombay is concerned, the rent conditions which were considered by both the Government, as well as the Council as it was then existing, to be abnormal. What were these abnormal conditions? One of them was the War, and therefore, it was considered that till the conditions were made normal there should be a measure to remove the bad effects of abnormal conditions. Now the Government themselves admit that from 1916 to 1925 the abnormal conditions continued, and there has been no appreciable change for the reduction of rents. Then I again ask the Government whether they expect that what was not achieved in the course of 10 years, and

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what may not be achieved even in the course of a generation, can be achieved in the course of two or three years. That is an important reason. Government naturally desired to do something to meet those abnormal conditions, and that is what the original Act was brought for.

Now, Sir, coming to the point advanced on behalf of landlords, I do admit, Sir, that this is a measure which does impose a certain amount of hardship—I will not say hardship, but certain disadvantages—on the landlords. All legislation is bound to impose some disadvantages on some class or community. There is no question about it. The dacoits and robbers make a protest against the Penal Code as it interferes with their liberties of carrying on the depredations they desire (Laughter). All legislation does impose some kind of hardship on some class or community. But what the legislature has to look to is the greatest good of the greatest number (Hear, hear). That is the point of view of the legislature and I want to appeal to the House whether you are going to look to the advantages of about 16,000 landlords in Bombay or even less, because by decontrol of the shops or business premises I think the number of landlords who will be affected by this Act will be only about 9,000 or 10,000 or even less,—are you going to look to the advantages of the 9,000 or 10,000 landlords, who certainly form an important class or community in the city of Bombay, or are you going to look to the comforts and advantages of the 10 or 11 lakhs of the citizens of Bombay who will otherwise be affected? That is the question before the House.

There is no question that this Act will impose a certain amount of disadvantage on a certain class or community. Another point, Sir, that I want to meet is the argument, which is a wrong argument, that the landlords are the only class that are going to be penalised. I would point out to the House that everywhere, either directly by the legislature or indirectly by their own actions, the profiteer is always controlled. Look at the East India Cotton Association. That exists in the interests of the cotton merchants. How do you justify the existence of this association? How do you justify the controlling of the corners in the shares? As soon as one class of persons try to profiteer beyond a period or extent which is bound to be disastrous, the Share Brokers' Association does interfere and impose a limit which everybody is bound to obey. There is a restriction on profiteering. Now I am told that Government itself is going to interfere and going to put restrictions on the transactions in the share bazaar. So, if you look to all the associations, you will see that, though the legislature does not restrict them or impose any restrictive conditions on them, various merchants have got various associations for controlling their own business. If the Landlords' Association had controlled the rents so that they might not have gone to the unbearable limits which they have reached, I am sure, Sir, it would not have been necessary to bring in any legislation at all. Since the Landlords' Association or the landlords have failed to do this, I am sure it is necessary that the legislature should interfere. Therefore, Sir, I hope the House will agree, and I am only asking Government to adhere to the decision which they themselves had arrived at of extending the Act to 1928. If

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they cannot see their way to adhere to the decision which they themselves had arrived at, then they should at least, as my honourable friend Mr. Baptista pointed out, consider the stability of the Government; we expect at least Government to be stable and consistent. Government arrived at a certain decision only a few months ago. Let them adhere to their decision. If the Government change their decision every six months simply because they succeeded by a scrap vote, as it has now been pointed out, of the official majority, that is no reason that Government should change their considered opinion, which they formed after mature consideration, and which was declared by them only a few months ago. I hope, therefore, Sir, the amendment will be carried.

The Honourable Mr. COWASJI JEHangIR : Mr. President, I will confine myself only to a few words. But I rise specially to congratulate my honourable friend Mr. Nariman on at last having attained wisdom. He implores and begs this House to support his amendment and his only argument is that Government after mature and careful consideration have come to the same conclusion as himself. He seems now to have realised that Government come to conclusions after mature and careful consideration and he begs this honourable House to follow the example of Government (Mr. K. F. Nariman : Not at all) and come to similar conclusions. But, Mr. President, if my honourable friend has such belief in the judgment of Government (Mr. K. F. Nariman : Not at all), then I trust he will follow the opinion of Government throughout this bill and not move any other amendment against any of the conclusions that Government have already arrived at. But I find from the amendments sent in that my honourable friend does not agree with several of the conclusions which Government have come to after mature and careful consideration. He contends that a few months ago the Government came to the conclusion that this Act should continue for three years. Well, Sir, if the argument that Government should be supported because after carefully considering the figures that could be obtained Government came to the conclusion that this Act should continue for three years is a good one, then I maintain that as Government came to the other conclusions embodied in this Bill from the same facts, and figures, they should have the support of my honourable friend for all the provisions of this bill. But my honourable friend does not desire to have a limit of Rs. 85. He desires that that limit should be raised to Rs. 150. Well, I contend, Sir, that if my honourable friend is prepared to support Government with their limit of Rs. 85, he is quite justified in asking this honourable House to follow the conclusion that Government has come to as to the period of extension of the Act. But if he would change the limit of rent, if he would change the increases allowed in this bill, then surely it cannot be said that three years is a reasonable period for extension. It all depends upon what are the increases in rent this House will grant, what is the limit of rent this House will fix. If this honourable House fixes a limit of Rs. 85 and if this honourable House will come to the conclusion that the increases specified in this bill are reasonable, then I agree with my honourable friend

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Mr. Nariman that this House should adhere to the conclusion that this Act should be extended for three years.

Now, Sir, my honourable friend also stated that Mr. Delves was nominated a member of this House to safeguard the interests of the Improvement Trust, and that I was here to safeguard the interests of the Development Department. Now, Mr. President, I would like to make it clear, once and for all, that if I were here merely as the Member in charge of the Development Department, I would have been the last man to move a bill to extend the Rent Act. I am not here to protect the interests of the Development Directorate, but Government is here to protect the interests of the public at large. And because they feel that the interests of the public at large should take precedence over the financial interest of the Development Department, they have brought this bill for the consideration of this House. We have been accused, Mr. President, by my honourable friend and even by some of his supporters that Government have brought this measure in the interests of Government alone. I think the speech of the honourable member Mr. Surve and the figures given by the Director of Development have conclusively proved that this measure has been brought in the interests of the labouring and middle classes and not in the financial interests of Government. It is true that if you accept the period of three years instead of two years, the loss to Government might be increased. There is no denying that fact. It is no use saying that the people are too poor to occupy the Development Department tenements. People will not occupy them at Rs. 6 a month because Government by legislation compels private landlords to let out their tenements for Rs. 3-8-0. That is why our Development Department tenements are not occupied. As long as you compellandlords to let tenements at Rs. 3-8-0 do you believe that the labouring man is fool enough to come and pay voluntarily Rs. 6? I ask my honourable friend Mr. Nariman whether his practice be worth Rs. 2,000, Rs. 5,000, or Rs. 10,000, if Government will legislate to give him a fine residence at Rs. 200 a month, will he ever pay Rs. 500? If my honourable friend is wise enough not to do that and take advantage of the Rent Act, how can he expect the working classes to be foolish enough to come and offer landlords higher rents simply because they can afford to pay them? Mr. President, the House, I trust, realises that the general coffers will suffer in the interests of the labouring classes of Bombay, if rents are controlled for two or three years longer.

Mr. A. N. SURVE : Are these Rs. 3-8-0 premises available in Bombay ?

The Honourable Mr. COWASJI JEHANGIR : There are a large number of one room tenements at Rs. 3-8-0. There are also a large number at Rs. 4-8-0.

I will just come to a point that has been alluded to by the honourable member Mr. Swaminarayan. He stated that Government changed the views according to a minority or a majority in this House : that if they find from the discussions that their views are supported by a large number they stick to them. But if they find a large number are not

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prepared to accept their views, they change their mind. Mr. President, that is the greatest compliment that has been paid to Government within the last three years. It is a clear admission that Government are amenable to the judgment and the wishes of this House.

Mr. K. F. NARIMAN: If it suits them.

The Honourable Mr. COWASJI JEHangIR: In this case Government proposed three years on the clear understanding that there should be a limit of Rs. 85 and that the increase should be as specified in the bill. The select committee have accepted the increases suggested by Government, they have also accepted the limit suggested by Government, but they have reduced the period of the Act by one year. This is the opinion of the select committee after having studied all the figures that Government could make available, and I would be reluctant to strongly oppose the mature opinion of the select committee, especially as I think that the select committee's report is on the whole most reasonable and equitable (Hear, Hear). Government desire, on this one occasion neither to oppose nor to support my honourable friend Mr. Nariman's amendment. But let the honourable member Mr. Nariman remember that when Government do not offer strong opposition to his amendment, they expect that the other suggestions of Government which have also been arrived at after mature and careful consideration, and from the very facts and figures from which this conclusion was drawn, that they will receive the support and the assistance of all reasonably-minded men. Under the circumstances, Mr. President, Government desire that Government benches should vote as they please on this one point, *viz.*, whether the Act should be extended for two years or three years. Government arrived at this decision simply because the select committee's report supports Government throughout the bill which they had the honour of placing before the House.

Question put. House divided. Ayes 54; Noes 27. Amendment carried.

Division No. 10.

Ayes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.	JAYAKAR, Mr. M. R.
ABDULPURKAR, Mr. N.A.	JOG, Mr. V. N.
ADWANI, Mr. D. B.	JOSHI, Mr. P. G.
ANGADI, Mr. S. N.	KALBHOR, Mr. G. M.
ATHAVLE, Mr. S. N.	KARKI, Mr. M. D.
BAPTISTA, Mr. J.	KAZI INAITULLAKHAN
BHOPATKAR, Mr. L. B.	KOTHARI, Mr. V. R.
BOLE, Mr. S. K.	LALJI NARANJI, Mr.
COOPER, Khan Bahadur D. B.	MANSURI, Khan Saheb A. M.
DADACHANJI, Dr. K. E.	MAVALANKAR, Mr. G. K.
DESAI, Rao Saheb D. P.	MEHTA, Dr. M. M.
DEV, Mr. S. S.	MOUNTFORD, Mr. L. J.
DIXIT, Dr. M. K.	MURADAM, Mr. W. S.
FERNANDEZ, Dr. COSMAS	NANAL, Mr. B. R.
FRANJI, Mr. K. S.	NARIELVALA, Mr. H. H.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH	NARIMAN, Mr. K. F.
GUNJAL, Mr. N. R.	NAVLE, Mr. N. E.
HOTSON, Mr. J. E. B.	NOOR MAHOMED, Mr.
JADHAV, the Honourable Mr. B. V.	PAINTER, Mr. H. L.
	PATEL, Mr. D. N.

Ayes—contd.

PATEL, Mr. G. I.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.

SHANKARRAO JAYARAMRAO ZUNJAR-
 RAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 VELKAR, Dr. M. B.
 WOODS, Mr. E. E.

Tellers for the Ayes : Mr. R. D. SHINDE and Mr. E. E. WOODS.

Noes.

ABERROMBIE, Mr. J. R.
 AHMAD, MOULVI RAFIUDDIN
 BARLEE, Mr. K. W.
 BHURGI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 DABHOLKAR, Sir VASANTRAO A.
 DELVES, Mr. R. H. A.
 GHOSAL, Mr. J.
 GRANTHAM, Mr. V. A.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HATCH, Mr. G. W.
 HEPFER, Sir LAWLESS
 JATOI, Khan Sahab KARIMBAKSH

KAY, Mr. J. A.
 KHUHQO, Mr. M. S.
 LALLJEE, Mr. HOOSAINBOY A.
 MONTGOMERIE, Mr. A.
 PAHALAJANI, Mr. B. G.
 PATEL, Mr. A. E.
 PATHAN, Khan Bahadur JAN MAHOMED
 KHAN
 RAHIMTOOLA, Mr. HOONENALLY M.
 SAYED GHULAM NABI SHAH
 SAYED MUHAMMAD KAMIL SHAH
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 WILES, Mr. G.

Tellers for the Noes : MOULVI RAFIUDDIN AHMAD and Mr. V. A. GRANTHAM

The Honourable the PRESIDENT : The next three amendments are identical with the amendment which has just been disposed of. The next amendment standing in the name of the honourable member, Mr. Surve, is :

"In line 3 for the figures '1927' substitute the figures '1926'."

In view of the voting on the previous amendment, I do not know whether he would still wish to move it.

Mr. A. N. SURVE : Sir, I am not going to press my amendment, but I must explain myself. My amendment is to substitute the figure '1926' for the figure '1927'. It looks as if I am curtailing the period to one year, but that is not my meaning. The amendment appears on paper in a truncated form, I have also proposed to add a proviso at the end of the clause to the effect that if it is found necessary Government should have the power of extending the Act to a period not exceeding two years, the effect of which will be that the Act will remain in force for three years.

Mr. P. G. JOSHI : Sir, I rise to a point of order. I should like to know whether the honourable member is entitled to move his amendment, in view of the fact that this question has been disposed of by the House.

The Honourable the PRESIDENT : The House has considered the question no doubt, but the clause has not been passed. But he has also proposed the addition of a proviso at the end of the clause, and the whole amendment is really this :

"In clause 2, line 3 for the figures '1927' substitute the figures '1926' and at the end of the clause add the following proviso :

'Provided that if the Governor in Council considers it expedient so to do, he may by notification direct that the Act shall be in force for such additional period not being less than six months and not exceeding two years after 31st December 1926; and also.'

[The President]

That is to say, he also wants to accept the extension to 1928, but instead of making it a definite extension he wants a definite extension to be given up to 1926 and a discretionary extension up to 1928. I have already asked the honourable member whether, in view of the voting which has taken place, he would move his amendment.

Mr. A. N. SURVE: I merely wanted to explain my object, but as it is so very nicely explained by the Honourable the President, I shall only state that the object I had in view is gained, therefore I shall not move my amendment.

The Honourable the PRESIDENT: If the honourable member had risen at the time, I might have perhaps allowed it as an amendment to the original amendment. Then the House could have decided between the two, but he did not claim to move it, and as he is not willing to move it now, the question does not arise.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the next amendment which stands in my name is as follows:—

“ In clause 2, line 4, delete the word ‘principally’ and substitute the word ‘partly’.”

In view of the appeal from the Honourable the General Member to consider very carefully and maturely the Government proposals in the bill, I have considered them very seriously, and in response to the generous attitude and the gesture shown by the Government members on the last amendment, I am prepared to drop this amendment and not to move it, so that we are now quits and we will begin the game afresh.

Sir, the next amendment which I wish to move is as follows:—

“ In clause 2, line 8, delete the figure ‘50’ and substitute the figure ‘75’.”

Sir, in this case the matter refers to Karachi and other places mentioned in the bill. The wording in the clause is:

“ the standard rent exclusive of the percentage allowable under this Act does not exceed Rs. 25 in any place in the taluka of North Salsette in the district of *Bhamburda* and the taluka of South Salsette in the Bombay Suburban district except the villages of *Bandra*, *Santa Cruz* and *Andheri*, Rs. 50 in the municipal limits of *Bandra* and the limits of the notified areas of *Santa Cruz* and *Andheri* in the taluka of South Salsette in the Bombay Suburban district

In this case I would have adopted the same position as I did as regards the last amendment, if the Government had stated in introducing this amending bill that they had considered the case of Karachi and other places as seriously and as carefully as they had considered the case of Bombay and that the figure arrived at in the original bill was the result of careful investigation. I should then have considered the position of the Government to be stronger, and I might not have thought it fit to disturb that position. But if you read the record of the debate during the last session, I find that while the Honourable the General Member stated that he had collected facts and figures and made investigations with regard to Bombay with all the materials at his disposal, he had also admitted that so far as Karachi and the parts of Salsette were concerned, he had not considered the question so carefully, either because he had

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not the time at his disposal or the opportunities did not present themselves for an investigation. That is his statement in the last speech. Therefore I take it, Sir, that Government had fixed upon that figure more or less arbitrarily on a guess. I do not know how they fixed that figure because they themselves admitted that they had not carried out any investigation. Of course personally I am not acquainted with the condition of things in Karachi or north of Salsette, but I have received representations from rate-payers and interested parties in those areas wherein resolutions of public meetings are quoted, that the limit should be increased in their case, and it is on their behalf that I have moved this amendment. I leave it particularly to honourable members who come from those areas, members from Karachi and the honourable member who represents the Bombay Suburban District, to enlighten the House on the subject and tell us whether the amendment should be supported or not.

Question proposed.

Mr. D. B. ADWANI (Karachi City) : Sir, coming as I do from Karachi, I should like to state the tenants' position there. They have considered this matter carefully for several months and so far as I am aware they have come to the conclusion that it is necessary that control should be extended to houses or tenements for which the rent is between Rs. 75 and under. The number of houses of which the rent is Rs. 75 and under are comparatively speaking small. In a matter like this no conclusive proof can be adduced on the basis of mathematical calculation to show that control should be extended up to a limit of Rs. 75 or any other amount. But I take it Rs. 75 should be a safer limit. I do not think that it will entail any great hardship on the landlords if houses between Rs. 50 and Rs. 75 are also controlled, especially in view of the fact that the landlords are going to get an increase over the limit allowed under the present Act. The fact is that for such houses the possible margin of increase even without control would not be great; if, therefore, a reasonable increase is provided under the Act, I do not suppose it will entail any great hardship if the limit is increased to Rs. 75 as represented by the tenants of Karachi.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Sir, my honourable friend Mr. Nariman in moving the amendment asked the representatives of the Bombay Suburban and Karachi districts to state their own case. I submit, Sir, that I was in the select committee, and the figure of 50 was put at my own request. At the time the figure of Rs. 50 was put down, we kept that limit only to three places in the Salsette Island, namely, Bandra, Santa Cruz and Andheri. Now, Rs. 50 is the basic rent of 1916, which means Rs. 57 or Rs. 56 now. In fixing the limit at Rs. 50 we had the conditions of Bombay in mind. We calculated that in Bombay tenants generally pay Rs. 25 percent. of their earnings towards rent. There may be exceptional cases where they have to pay more. So, when in Bombay we took Rs. 85 as the basic rent—with the increases it comes to Rs. 102 to-day—we had in mind the object of protecting people whose earnings were Rs. 400 a month. The object is that the Rent Act should continue so long as there is dearth of houses

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in Bombay. If we go on giving protection to persons earning more than Rs. 400, they will find it more economical to live in rented buildings rather than buildings of their own. So it was thought necessary that protection should be limited, and Rs. 50 was assumed at a rough calculation as the limit as regards these three places, namely, Bandra, Santa Cruz and Andheri. Of course I quite admit that my honourable friend Mr. Nariman has received representations from tenants. So have I. I have also received a representation from the district local board of the Bombay Suburban District that rents at a higher limit should also be controlled. But then there are also representations from landlords. We have to hold the scales even. So, my submission to this honourable House is that there may be some portions of Bandra where the rent is higher, such as Bandra Hill Road and Turner Road, but if the people wish to live in certain localities only then they must pay the higher rents prevailing in those areas and if there be no protection for them there they should not complain. It was for this reason that the select committee accepted Rs. 50 as the limit for these three places and Rs. 25 as the limit for the remaining portions of the Salsette Island.

Then, there is another point. We have taken Rs. 85 as the basic rent in Bombay. The House has to consider how far they are going to control rents in Bombay. If they are to raise the Bombay limit from Rs. 85 to Rs. 150, then there should be a corresponding rise in the case of Bandra, etc., from Rs. 50 to Rs. 75. But if the House sticks to Rs. 85 as the basic rent in Bombay, then in that case Rs. 50 is an equitable figure for these three places.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I rise to oppose this amendment. The mover of the amendment stated that one reason for moving the amendment and increasing the limit from Rs. 50 to Rs. 75 was that Government, he thought, had not considered the case of Karachi as carefully as they had considered that of Bombay. Now, Sir, I may inform the honourable House that we were not able to get for Karachi the detailed figures we were able to obtain for Bombay. (An honourable member: Why not?) Because the municipality could not supply us with the necessary figures. But from the figures that we have obtained and supplied to the select committee, I think no impartial judge would come to any other conclusion than that the basic rent of Rs. 50 for Karachi is not only a fair figure as compared to Rs. 85 for Bombay, but it is even on the liberal side. Sir, finding that I could not get all the information that I was able to obtain for Bombay for the city of Karachi, I visited the city of Karachi and went round the city with representatives of both landlords and tenants, and I could not help being struck by the accommodation available in Karachi as compared to Bombay, and I also could not help being struck with the low rents in Karachi as compared to Bombay. The highest rent for a three-room tenement was Rs. 50, and for a large number of one-room tenements the rents were Rs. 2-8-0, Rs. 1-8-0 and even Re. 1.

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There is not the slightest doubt in my mind that the rents in Karachi are much lower than those in Bombay. But, Sir, just examine the statement that I placed before the select committee. I actually read out some figures to this honourable House at the first reading and with your permission, Sir, I will repeat them. I have already said that there are no three-room tenements in Karachi, the rents of which are more than Rs. 50. Therefore, all people living in three-room tenements will be protected. According to the census of 1921, 88 per cent. of the population in Karachi will be protected if the limit is Rs. 50. In the bill the limit of Rs. 50 is the basic rent. That is a limit of Rs. 57-8-0 for to-day's rent. My honourable friend wishes to raise that limit to Rs. 75. That will mean a limit of Rs. 90 for to-day's rent. Therefore, as far as I can make out, tenements of four and five rooms will also be controlled and practically you may say that over 94 per cent. of the population will be protected. Now, Sir, the object of Government is to give protection to the labouring and the middle classes and not to the better classes. I think the honourable House will be well-advised to stick to the figure that the select committee has recommended. I do not advise this honourable House to protect the upper middle classes. They are now in a position, both in the city of Karachi and in the city of Bombay, in which they do not require or deserve protection. If this Act is to be extended, it should be extended only for the labouring and lower middle classes. Why then go further and extend this Act to the upper middle classes and thereby go on increasing that feeling of bitterness which is in existence and which will continue to exist between tenants and landlords? The time has now come when the return to normal conditions ought to be encouraged. Let us try and do our best to see that we get back to normal conditions as quickly as possible. Artificial methods of restricting rent encourage friction between two very large classes of the people in these two cities. I would ask and beg of this honourable House to consider this point of view and only give protection to people who really require it.

Mr. President, by raising this Rs. 50 to Rs. 75, you also reject the recommendation of the select committee of placing a limit of Rs. 50 for Bandra, Andheri and Santa Cruz. Those who are in the best position to judge inform me that you cannot compare Bombay with those suburbs, that rents are lower and if rentals are lower in the suburbs, then you must make a distinction between Bombay and those suburbs. For the whole of Salsette, with the exception of Bandra, Andheri and Santa Cruz, the select committee thought it wise to reduce the limit to Rs. 25 and I am glad to see that no amendment has been moved to increase that limit. That is a clear indication that all honourable members agree that for Salsette, with the exception of Bandra, Santa Cruz and Andheri, the limit of Rs. 25 is reasonable and that being so, I contend that double that amount, namely, Rs. 50 ought to be reasonable for the exceptions, namely, Bandra, Santa Cruz and Andheri.

Mr. President, a statement has been placed before the select committee which goes to show that there is a considerable number of vacancies in

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new buildings in Karachi. It has been pointed out, and perhaps rightly, that this Act obstructs the construction of buildings by private enterprise. The higher you place the limit, the more will be that obstruction. I think this honourable House must fix upon a happy medium whereby you will just give protection to those who deserve it and no more. Go further and you are bound to come in the way of healthy trade and to obstruct and hinder the enterprise of private builders both in Bombay and in Karachi. If you ask any authority on the question you will find that few private gentlemen will come forward to build so long as this Act is in existence without a reasonable limit. If you want to help the upper middle classes, I will use the argument that has been used before, viz., decontrol these premises and let private individuals and private builders come forward and provide buildings with the full confidence that this Council will not again interfere with the law of supply and demand. The more you go in the direction of control the more harm will be done to the upper middle classes. The lower middle classes are amply protected by the protection given under this bill. By a limit of Rs. 50 which is really Rs. 57, all wage-earners in Karachi earning at least four times Rs. 57 or Rs. 228 are protected. Surely that is a high enough figure. If you take it at Rs. 75 which is really Rs. 90, it will mean that all wage-earners earning Rs. 360 will be protected. You pass the limit of the lower middle classes and you will be protecting fairly rich people. I would therefore earnestly appeal to this honourable House to reject this amendment, but I would first ask my honourable friend, the mover, if he can see his way to withdraw his amendment.

Dr. M. B. VELKAR (Bombay City, South): Sir, I support the amendment moved by my friend Mr. Nariman. In supporting it I will restrict my remarks to the increase of rent within the municipal limits of Bandra, the notified area of Santa Cruz and also of Andheri, and the South Salsette suburb of Bombay. I do so because I know the situation existing there. I mean that you cannot get decent residences there for a lower rental than Rs. 70 to Rs. 75. I therefore hope that the Council will support Mr. Nariman's amendment.

Just now when we complained that there were no houses in Bombay, we were told to move to the suburbs and people were blamed for not going to the suburbs when there was sufficient accommodation there. However, what do we find there? If you remove the control above Rs. 50, then you will find an inc. ease of rent there. If you want people to go and live in the suburbs, rent control ought to be there in the suburbs also. Therefore I hope the Council will support the amendment moved by my honourable friend Mr. Nariman.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I am sorry I cannot respond to the appeal of the Honourable the General Member to withdraw this amendment. One reason why I cannot do so is that there is a certain amount of responsibility taken by an honourable member who takes it upon himself to move a proposition of this nature on behalf of the rate-payers who are not present here and who have sent their representations after mature consideration, but so far as the present proposition is

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concerned, I do leave it to the honourable members who are conversant with the state of affairs and personally acquainted with them. I therefore leave it rather to the decision of this House than take upon myself the responsibility of withdrawing it.

The Honourable Mr. COWASJI JEHANGIR : I have nothing to add.

Question put and lost.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I beg to move :

In line 10, clause 2, delete the figures " 85 " and substitute the figures " 150 ".

The Honourable the General Member stated in the course of his speech on the last amendment that he would appeal to the House to adopt a happy medium. Well, Sir, in moving this amendment I may inform the Honourable the General Member that I have adopted a very happy medium in hitting upon the figure 150. Government themselves propose to limit it to Rs. 85 and I hope the Honourable the General Member knows that the Rent Committee of Bombay also possess several members who have studied this question, of course, from the point of view of tenants, and they have passed a resolution asking for the enhancement of the figure to Rs. 250. Therefore, I say, Sir, my figure of Rs. 150 is a very happy medium between Rs. 85 as proposed by Government and Rs. 250 as proposed by the Rent Committee of Bombay. Now, so far as this amendment is concerned, referring to the city of Bombay, more particularly the conditions prevailing in the middle classes, I do earnestly appeal to the House to seriously consider this amendment, because the acceptance of this amendment would mean relief to hundreds of families, middle-class families, in Bombay. I do not know whether to call them lower middle classes or upper middle classes or simply middle classes. I would only describe them as middle class families in Bombay, who really deserve some relief from this honourable House. I would ask honourable members to consider that up to the end of 1925 there is no limit to the control of rents—rents up to even Rs. 2,000, Rs. 3,000 or Rs. 5,000 are controlled. The honourable member the Chairman of the Improvement Trust in the last debate stated that this is a measure which we should not remove all of a sudden but we should go gradually. Now, I ask the House to consider whether it would be wise for us to come down from a limitless sum immediately to the sum of Rs. 85 and thus leave all the middle class families uncontrolled in the matter of rents and without any help, or whether it would be more wise to avoid a reaction which would result by a measure of this kind by going cautiously and slowly. Therefore, I say, Sir, to start from a limitless amount and to come down at once to Rs. 85 would be a very big jump. It would be more cautious and more wise and more in the direction of avoiding reaction on the middle class families concerned if you come to the limit of Rs. 150. And I would appeal to the House more particularly at the present juncture, because at the present juncture the middle classes, if any, are hit the hardest by the general depression in trade and the general unemployment which is prevailing in the city of Bombay. The condition of the middle classes

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was certainly a little better a year or two ago when there was not so much depression and when there was a little prosperity, and probably at such a time the middle class tenants would have been perhaps able to bear with less difficulty the burden which the removal of these restrictions would be bound to create. Owing to the depression in their business and the consequent less profits which the capitalists are bound to make, they are bound to look to this source of income—of landed property, house property—from tenants and they will want to make up for the deficits that they are at present suffering from, from this source. The millowners, for instance, will look to the millhands whilst the mills are suffering in their business, and other commercial classes generally will look again to landed property so that the losses can be made up. Unfortunately, by some coincidence, the time has come at such a juncture that the removal at this particular time of the restrictions would mean nothing short of a disaster. Now, Sir, I would again appeal to the House and Government to look at the position not only in the city of Bombay but in other cities in India. I have already referred to the Calcutta Act, and it will be admitted—and had the Chairman of the Improvement Trust studied the conditions in Calcutta as he may have done the conditions in Bombay, he would have seen it—that the housing problem is not so acute and the necessity is not so great in Calcutta as in the city of Bombay. Still, in the Calcutta Rent Act the limit fixed is Rs. 250, whereas they are reducing it in Bombay to Rs. 85. I am myself taking Rs. 100 less than what Calcutta has got. It is natural, Sir, that the topography or the geographical position of Bombay is such that you cannot expand the development of Bombay as you could do in the city of Calcutta. In spite of that, they have got a limit of Rs. 250. Similarly, as the honourable member Mr. Grantham said, the conditions here and the conditions in England are different. Still I may draw an analogy. In England they fixed it at first at £35. It was very low, but after experience, after working the Act for some time with £35 and finding that that was not sufficient, they raised the limit to £70. Gradually when £70 limit was not found sufficient, after further experience, they raised it to £105, which comes to Rs. 131 for a tenement. Therefore, I say this city of Bombay, which was the first city to start this rent control—Calcutta followed after that—ought not to be so ungenerous in point of relief, particularly as, as my honourable friend Mr. Baptista has pointed out, the middle classes really deserve as much relief as the lower classes or even the labour classes. Therefore, I hope the amendment which I have moved will be carried.

Question proposed.

Mr. P. G. JOSHI : Supposing, Sir, we carry this amendment, what will be the position ?

The Honourable the PRESIDENT : It will become a substantive proposition.

Sir VASANTRAO A. DABHOLKAR : Sir, I rise to oppose the amendment. Howsoever it may be considered by my honourable friend

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Mr. Nariman that it is a happy medium between Government and the honourable mover that he has proposed Rs. 150, I do not agree with him, though it is hopeless for a landlord to achieve any success in this House as the Council is formed at present and owing to the attitude taken by the Honourable the General Member. However, I must point out that if you are going to increase the limit to Rs. 150, that means we are giving relief to those whose income is more than Rs. 750. We have heard the mover of this amendment when the extension of the period of the Rent Act was concerned that he had asked this House to take into consideration very sympathetically the case of the millhands who were lying in the streets, though I may say it is not a correct statement. May I know from him whether the rent payers of Rs. 150 are lying in the streets? Not only that but I may say this is a mischievous amendment because we come across people who are earning Rs. 2,000 a month and paying only a rent of Rs. 90. I can even quote instances of families who have got income of Rs. 4,000 but who are paying monthly rent of only Rs. 150. I should be excused, Sir, if I were to come to personalities on this question for comparison, but I want to avoid going into personalities. (An Honourable Member: How many instances?) Your own. My answer to the honourable member who interrupted me is quite sufficient that I do not want to go into personalities. This is the temptation that Government is giving and this is the encouragement that Government is offering by extending the Rent Act from time to time to those who do not deserve protection. This Rent Act is a legacy that the tenants have got out of the War and nobody would like to give it up. My honourable friend Mr. Woods said that we must maintain the sanctity of the promise that was made, and referred to the Honourable the General Member who had provided in the original that the Rent Act should be for three years and that period should be maintained. When the Government of Lord Willingdon passed the Rent Act it was stated that it was for War and no more, and then every assurance was given to the landlords, and we the landlords then came to the rescue of the tenants simply on the promise of the Government of Lord Willingdon that it was only a war measure. May I know whether the sanctity of that promise is maintained to-day?

Then my honourable friend the mover said that there was a lot of unemployment among the middle classes. Let me point out to this House that there is no unemployment among the classes who are paying Rs. 150 per month as rent. Even some of the pleaders who are earning by thousands are paying only Rs. 150 as rent. Then take the instance of doctors. There are some of them who are paying Rs. 150 as rent but they are charging their patients from Rs. 10 to 20 as fees for visits. All these facts are well known to the Honourable the President (Mr. P. G. Joshi: How many of them?). I do not require my honourable friend from East Khardesh to question me, but I know there are several instances of this kind. They can charge anything and everything they want, because it is said the senior they grow in practice they are said to have more experience and knowledge. (An Honourable Member: Skill and

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experience ?) Then, Sir, the honourable mover said that they would not be able to pay more if the protection was not given to them. I would advise them in these days to practise economy. Why should they not practise economy if they cannot pay higher rent ? Or they can go and occupy houses in the suburbs as there are number of houses vacant in the north of the Island. The rent there is Rs. 75. Why should not these people go there ? They are not of the poorer classes who have to come to offices early daily. These people can afford to stay at longer distances from Bombay and if they are not going to take advantage of the newly-built houses in the north of the Island, is this House going to encourage an amendment which amounts to mischief and nothing less than that ? Under these circumstances I hope this House will throw out the amendment and I request Government to come to the rescue of the landlords.

Mr. A. N. SURVE (Bombay City, North) : Sir, when I sent in my amendment that the rent limit should be raised to Rs. 150 I have had before my eyes the Europeans and Anglo-Indians. You know that there is a considerable population of this class. Their mode of living is quite different. The accommodation available to this class is very limited and is situated in particular areas only. Therefore if the limit is not raised this particular class will be very harshly affected. I know several families where on account of heavy rents the father, the daughter and the son and practically every member has to drudge to satisfy the exorbitant demand made by the landlord. For this reason if this class is to be protected, I think that the limit must be raised, say, at least up to Rs. 150.

Then the second point, about the professional men, I may tell my honourable friend to my left that there are many professional men who are not able to make a living (hear : hear) ; their income from their profession is very poor and the House will have to take notice of such people also. With these remarks I support the amendment.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I strongly resent the remarks of my honourable friend the gallant knight behind me that this amendment is mischievous. It is not mischievous. It is the most useful amendment that has been placed before this House. My honourable friend must remember that Government have to take into consideration the interests of all sections of the people. I put before him this question. The increase in the wages of the working classes has been raised by 50 per cent. The richer classes also have been greatly increasing their income on account of various circumstances, but what about the middle classes ? (Hear : hear). This is the class, Sir, that suffers most and if any protection is necessary it is the middle classes that require it. In Bombay Rs. 400 or even Rs. 600 is not much. And it is not merely the Anglo-Indians or Europeans as is suggested, that are careful about providing good accommodation to their women, but also the Mahomedans whose ladies are in *parda*. For Mahomedan middle class families even Rs. 400 in Bombay is a very small sum indeed. I would like to ask my honourable friend what he means by the middle

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classes and the lower middle classes in Bombay. Rs. 400 in the mofussil is considered to be the income of a rich man, but in Bombay that is only the income of a middle class man. Therefore, I think, due consideration will have to be shown by the Honourable the General Member to the exceedingly exceptional circumstances of the middle classes. They have to observe decency, acquire knowledge, and to educate their children according to their status and taking into consideration the expense of university education it is the middle classes that suffer most, in this respect, and I think it is very reasonable in their interest to raise this limit from 85 to 150. I think it is a very reasonable request that the limit should be placed at Rs. 150.

The Honourable Mr. COWASJI JEHANGIR: Sir, I rise strongly to oppose this amendment. The whole basis of the bill will be upset if the House accepts this amendment. The idea of this honourable House, I feel sure, is to protect the labouring and the middle classes and not to protect the better classes. Now, according to the amendment, men and women earning Rs. 720 a month at the very least will stand protected. According to the provision in the bill, men and women earning up to Rs. 400 a month will be protected. Now, Sir, I thought this House was a democratic body. The proposal put before the House by Government is a democratic proposal, a proposal that protects the labouring and the middle classes, while the proposal placed before the House by my honourable friend Mr. Nariman is one that will protect the better classes. Surely, this House does not want to do that. Mr. President, I was asked what I meant by the lower middle classes and the upper middle classes, and why it was that Government arrived at the figure of Rs. 85. I would ask honourable members not to forget that by the limit of Rs. 85 all rents up to Rs. 102 will be controlled under the bill. According to the honourable member Mr. Nariman's amendment, all premises up to Rs. 180 will be controlled, and not Rs. 150, because to the figure of Rs. 150 you have got to add the 20 per cent. increase that has already been given, and 20 per cent. added to Rs. 150 is Rs. 180. Now, Sir, the idea of Government is to protect all people in Bombay living in one, two or three room tenements. The highest rents (there are of course always exceptions) that are paid for three-room tenements in Bombay are about Rs. 100 to-day, and therefore Government fixed upon the figure of Rs. 85 as the basic rent. It is not the intention of Government to protect people living in four, five and six room tenements. That is not a democratic measure.

An Honourable MEMBER: Four or five people may combine and live in five or six room tenements.

The Honourable Mr. COWASJI JEHANGIR: In that case, their income must be more than Rs. 400. I give the benefit of the argument that under the joint Hindu family system there is more than one wage-earner; I do not take advantage of that argument. I only say that we must not protect people earning more than Rs. 400, and if in the accommodation they can get they house some of the

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members of their family who may be wage-earners, I am not going to take advantage of the argument. We fixed upon this figure of Rs. 85, because we did not wish to protect people living in more than three tenements, and we came to that conclusion by some other facts and figures that were placed before us. We tried to examine what were the vacancies in Bombay and in what class of premises. We found that in premises with rents of less than Rs. 100 the vacancies were about 3·03 per cent., while in premises with rents above Rs. 100 we found the vacancies were 12·40 per cent.

Dr. M. B. VELKAR: In what localities?

The Honourable Mr. COWASJI JEHANGIR: All localities. We have taken all localities. As I have stated before, we could not examine every building and every tenement in the whole of Bombay; we could only take sample tenements and sample localities. That is the way all statistics are compiled. Now, Sir, if there are 12·40 per cent. vacancies in premises whose rents are more than Rs. 100, I ask this honourable House whether such premises require further protection. Is it not a hindrance and a strong objection to private individuals putting up buildings of this kind? Mr. President, nobody is more aware than yourself that the landlord is not a philanthropist. He does not erect buildings for charity. He erects buildings in order that he may get a reasonable return on his money. He is not asking for a return of 10 per cent., he is not asking for a return of 8 per cent., or even 7 per cent.; he is satisfied with a return of 5 or 6 per cent., and if he constructs to-day buildings to accommodate the upper middle classes with the Rent Act in existence, it is impossible for him to get even an ordinary rate of interest on his capital, and he stops building altogether. Notwithstanding that, there are 12½ per cent. vacancies in this class of premises in Bombay. Is there any justification for continuing to apply the Rent Act to those premises? We are not out to protect people earning Rs. 700; we are quite satisfied to protect clerks, and men who earn up to a limit of Rs. 400 a month, and according to the proposals of Government you will protect every clerk that there is in Bombay, for no clerks earn more than Rs. 400 a month. There are, of course, some hard cases, and some hard cases will continue to exist even with the Rent Act as it stands. There may be people to-day who cannot get premises within their means; there may be exceptions, there may be hard cases, but one does not legislate for hard cases. This Council ought to legislate taking a broad view of matters. Now I cannot help thinking that my honourable friend Mr. Nariman is only thinking of the class that he himself comes from. I do not wish to say that he does not wish to be a champion of the labouring classes or of the poor middle classes, but having found that Government have themselves championed their cause, he is now going to champion the cause of his own class. I ask this House not to be led in to championing the cause of the class to which my honourable friend belongs.

MOULVI RAFI-UDDIN AHMAD: Why not?

The Honourable Mr. COWASJI JEIANGIR: Because they do not deserve protection. There has been a decrease in rents in the case of new buildings, a distinct decrease; especially in the case of those buildings which were constructed after 1918. Landlords cannot get the same rent that they got immediately after they constructed them.

Dr. M. B. VELKAR: What localities?

The Honourable Mr. COWASJI JEIANGIR: All over Bombay. There are of course exceptions to every general rule. The landlords have been compelled to reduce their rents for these new buildings.

Now, Sir, I also find that the figure of Rs. 100 will more or less protect 88 per cent. of the population of Bombay, but if my honourable friend's amendment is accepted, you will protect 97 per cent. of the population of Bombay. In that case there will be practically no limit. Is there not to be a limit? My honourable friend's amendment is tantamount to having no limit for the protection of tenants in Bombay. Practically that is the result. A few people—say 3 per cent.—may live in decontrolled premises, if this amendment is accepted, and they will be men paying between Rs. 200 and Rs. 300 as rent. But now, coming to a rent of Rs. 180—it is a big rent to pay—if you examine the census figures I have read out, you will be protecting 97 per cent. of the population of Bombay. Therefore my honourable friends should realise that the acceptance of the amendment of my honourable friend Mr. Nariman means no limit. Mr. President, I think honourable members who live in Bombay have fully realised that this limit of Rs. 85 is really a fair and just one. But I do not complain at tenants grumbling at the limit. They are, after all, out to get the best terms and not the fairest terms. It is human nature. We all try to get the best terms for ourselves; and when our own interests are concerned, according to ordinary rules of human nature we do not see what is just. We try to bargain. Therefore, Mr. President, I would ask my honourable friends who do not belong to Bombay and who come from the mofussil not to be led away by all this agitation or so-called agitation which is widely advertised in the press. When one reads of meetings of tenants, with big headlines in the papers, one has got sometimes to inquire how many people attended those meetings. When we get headlines telling us that the champions of tenants addressed these public meetings, I can tell you with my eyes closed and without reading one line of the paper, as to who were the speakers at that meeting. Does that prove to us the real feeling of a city. The tenants are in a huge majority and the landlords are in a small minority, and naturally the tenants complain at the removal of this Rent Act. What I am surprised at is that the agitation is not much more. When you come to consider the huge number of people that are interested in the removal of this legislation from the statute book, one is surprised at the small number of people who take part in this agitation, in spite of my honourable friend Mr. Nariman who can influence a large crowd even more than he can influence this honourable House. Is there anything surprising when you have big headlines in the papers of meetings called by tenants? I ask my honourable friends who do not belong to Bombay not to be misled and not to do injustice to a worthy class of citizens of

[Mr. Cowasji Jehangir]

Bombay. This House will obstruct the growth and prosperity of Bombay if they accept the amendment of my honourable friend. I think my honourable friends who have really the interests of the tenants at heart should thank Government sincerely for having brought forward this bill for extending the Rent Act, instead of which we find nothing but grumbling. But that was exactly what I expected, because I knew what this legislation means to the tenants. At the same time my honourable friends opposite must realise that they are here in the position of judges. They may be either tenants or landlords, but in this House they are neither tenants nor landlords. They are the judges of the position between the tenants and the landlords, and if they conscientiously do their duty, I can say that this amendment will not have the ghost of a chance of success, because it will be the most unfair treatment that we could give to a worthy class of the citizens of Bombay.

Mr. K. F. NARIMAN: Sir, I do not wish to say anything in reply.

Question put. House Divided. Ayes 40: Noes 44. Amendment lost.

Division No. 11.

Ayes

ABDULFURKAR, Mr. N. A.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BHOPATKAR, Mr. L. B.
BOLLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DADACHANJI, Dr. K. E.
DESAI, Rao Sahab D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
KOTHARI, Mr. V. R.
MAVALANKAR, Mr. G. K.

MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PATEL, Mr. D. N.
PETCH, Mr. F. W.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PUNJABHAI THAKRESI, Mr.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAL, Mr. S. A.
SHINDE, Mr. R. D.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.
WOODS, Mr. E. E.

Tellers for the Ayes: Mr. J. C. SWAMINARAYAN and Mr. K. F. Nariman.

Noes

ABBOROMHIE, Mr. J. R.
BARLES, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
DABHOLKAR, Sir VASANTRAO A.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAJI ABDULLAH HAROON
HAMID M. ABDUL ALL, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS

HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KHUERO, Mr. M. S.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSAINBHAY A.
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MANSURI, Khan Sahab A. M.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
MUKHI, JETHANAND PRITAMDAS
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
PARALAJANI, Mr. B. G.

Noes—contd.

PAINTER, Mr. H. L.	TRAKOR of Amod, the
PATEL, Mr. A. E.	TRAKOR of KERWADA, the
PATEL, Mr. G. I.	THOMAS, Mr. G. A.
PATHAN, Mr. A. F. I. K.	TURNER, Mr. C. W. A.
RAHMTOOLA, Mr. HOUSENALLY M.	WILES, Mr. G.
SAYED MUHAMMAD KAMIL SHAH	

Tellers for the Noes : Mr. V. A. GRANTHAM and Mr. J. A. KAY.

The Honourable the PRESIDENT: The Council will now adjourn to 2 o'clock to-morrow, Tuesday the 28th July 1925.

Tuesday, the 28th July 1925.

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 28th July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ABERCROMBIE, Mr. J. R.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.

KALBHOR, Mr. G. M.
 KAMBLI, Mr. S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUERO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LAGHARI, HAJI FAZUL MUHAMMAD KHAN
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSEINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIEVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED MUHAMMAD KAMIL SHAH
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.

SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR OF AMOD, the
 THAKOR OF KERWADA, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

PRESS NOTE REGARDING PROCEDURE AT LOCAL BOARD
 ELECTIONS.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether the Press note issued by Government through the Director of Information for conducting local board elections was followed by the Collector of Kaira in conducting elections in his district ?

(b) if the reply to the above be in the negative, will Government be pleased to state in what respects the Collector of Kaira differed from the orders of Government as laid down in the press note issued by the Director of Information ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
 (a) The reply is in the affirmative.

(b) This question does not arise.

LEPROSY IN KHANDESH.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(1) whether they are aware that year after year leprosy is increasing in East and West Khandesh ;

(2) what steps they have taken or propose to take to check that spread in Khandesh ?

The Honourable Mr. B. V. JADHAV : (1) and (2) Government are aware that leprosy is apparently rather more prevalent in East and West Khandesh than in other districts of the Presidency, but consider that the leper question there is essentially part of the whole leper problem in India, which is now being dealt with by the central organization established by His Excellency the Viceroy in connection with his anti-leprosy campaign. Before taking any special steps to combat the disease in the Khandesh Districts, Government propose to await the result of this campaign, and the general recommendations which are likely to be made.

Mr. G. B. PRADHAN : Do Government intend to find out the special reasons why leprosy is more prevalent in East and West Khandesh than in other parts of the presidency ?

The Honourable Mr. B. V. JADHAV: The suggestion will be considered.

Mr. P. G. JOSHI: Is the Honourable Minister aware that the largest collection has been made for this fund from East Khandesh, excepting perhaps cities like Bombay?

The Honourable Mr. B. V. JADHAV: I am not aware.

Mr. P. G. JOSHI: Will the Honourable Minister give an assurance that all this money which is collected from this district will be utilised for the benefit of this district or this presidency?

The Honourable Mr. B. V. JADHAV: These funds are collected by a committee which has been started by the Government of India and the Bombay Government do not think they will be in a position to give any such assurance as the honourable member suggests.

MOTOR CAR SERVICE IN POONA DISTRICT.

1. Mr. N. R. GUNJAL (Poona District): Will Government be pleased to supply the following information for the year ending 31st March 1924 regarding the motor car service in the Poona district?

(1) Names of persons or companies who drive motor cars for hire at present from Talegaon to Khed and Junnar and from Poona to Khed, Junnar, Mulshi, Ghadundi, Nagar, Wai, Saswad, Bhor and Alandi in the Poona District.

(2) Rules sanctioned by Government relating to—

(a) supervisor over fitness of such cars used as public conveyances;

(b) maximum number of passengers and weight of baggage to be conveyed in each car;

(c) the fares to be charged between different places;

(d) the tolls and ferry charges to be paid by loaded and empty cars.

(3) The number of persons who died or were seriously injured by accidents on the abovenamed motor services.

(4) The number of criminal prosecutions instituted in connection with such accidents by Government or private persons and the results of the same.

The Honourable Sir MAURICE HAYWARD: (1) A list* is laid on the table. The licenses were not restricted to particular roads except that heavy motor vehicles were not permitted on the Talegaon-Chakan-Khed-Junnar Road. The licenses were otherwise for the whole of the Poona District.

(2) (a) and (b) The licenses were granted after examination by the Motor Vehicles Inspector, Bombay.

(c) Reference is requested to Notifications No. 1508, dated the 5th March 1918 and No. 2586, dated the 16th March 1920 published respectively at page 420 of Part I of the *Bombay Government Gazette* of 14th March 1918 and at page 841 of Part I of the *Bombay Government Gazette* of 1st April 1920 and Notification No. P.O.L.—331, dated the

* Vide Appendix No. 43.

25th January 1921, published at page 213 of Part I of the *Bombay Government Gazette*, dated the 27th January 1921.

(d) The tolls were eight annas for light motors and one rupee for heavy motors whether laden or unladen. The tolls varied from 12 annas at 4th Class to rupee one eight annas at 1st Class ferries for all motors whether laden or unladen.

(3) and (4) No persons were seriously injured or died from motor accidents during the period.

BUILDING GRANTS FOR PRIMARY SCHOOLS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) The amount of building grants for primary schools given to each taluka of the Poona district for the last two years 1923 and 1924, for local board municipal and other recognised schools?

(b) Whether any application has been received by the Educational Department from the Alandi municipality, Poona district, for a building grant to the Mrs. Hatch girls' schools at Alandi?

(c) How many local board schools there are in the Poona district and how many of them have no local board buildings?

(d) Whether there are any contributions from the villagers of the Poona district for school buildings lying with the Educational Department pending the consideration of Government for payment of their share out of the building grant?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

KULKARNIS WHO SURRENDERED HEREDITARY RIGHTS IN DIFFERENT TALUKAS OF THE POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether there are any rules regarding the transfer of watandar kulkarnis, who have now been turned into talatis, from their watan villages, and if so, what they are;

(b) what was the total amount of Potgi given to these kulkarnis in the Kbed taluka of the Poona district before they surrendered their rights;

(c) what is the total amount of pay now given to the talatis appointed in their places as well as the total of one-third allowances which are being paid to the kulkarnis who have relinquished their hereditary rights?

The Honourable Mr. LALUBHAI SAMALDAS: (a) No. These men are liable to transfer at the discretion of the prant officers for administrative reasons.

(b) Rs. 9,450 8-3.

(c) Rs. 20,533 11-0 and Rs. 2,786-13-11 respectively.

Mr. S. A. SARDESAI: With reference to part (a) of the answer, will the Honourable the Revenue Member state whether Government can

transfer watandar village officers who have not relinquished their watandar rights from one village to another in the same taluka ?

The Honourable Mr. LALUBHAI SAMALDAS: No.

Mr. S. A. SARDESAI: Will the Honourable Member be pleased to state whether the village officers in alienated villages can be transferred ?

The Honourable Mr. LALUBHAI SAMALDAS: No.

VOTING AT LOCAL BOARD ELECTIONS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the reasons why the right of voting in the elections to taluka and district local boards, as given by the Local Boards Act VI of 1923 is restricted by rules made under the Act in the case of the Poona district ?

(b) Has the Collector of Poona given publicity to his orders as to how voters are to give votes from one group in the other group and one taluka into another taluka ?

(c) Has the Honourable Minister in charge Local Self-Government received any memorials in the matter of clearing up certain points in connection with voting at the local boards election ? If so, what action has he taken on them ?

(d) Are any memorials or appeals lying with the Collector of Poona, not yet disposed of ?

(e) Why full lists of voters for the whole district were published at each polling station in the district when the right of voting was restricted as stated in clause (a) of the question ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) The right of voting as given by the Local Boards Act, VI of 1923, is not restricted in the Poona district, by any rules made under the Act.

(b) Two orders were issued—the first on 23rd January 1925 and the second on 22nd February 1925, cancelling the order of 23rd January 1925. The Collector issued this second order as he considered that the original order of 23rd January 1925 was not in accordance with section 15 (1) and (2) of the Act.

(c) Yes. The attention of the honourable member is invited to Government letter addressed to him no. 5544-G-1695, dated the 15th May 1925.

(d) None.

(e) Full lists were published at all villages but were separate for each constituency. No general list for the district was drawn up, but the lists were according to constituencies and polling stations within those constituencies.

GRIEVANCE OF POTATO CULTIVATORS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware that the cultivators of potatoes from the Poona district have certain grievances in connection with the

sale of their produce in the Poona city market in the matter of weighment and open sale ?

(b) Have the Collector of Poona, the Commissioner, C. D., the Registrar of Co-operative Societies, the Director of Agriculture and the President of the Poona City Municipality received any memorials in the matter ?

(c) Do Government propose to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) Yes.

(b) None of the officers referred to have received any memorials in the matter except the president of the Poona city municipality. The Director of Agriculture also received some oral complaints in the matter.

(c) It is primarily for the Poona city municipality to take action in the matter and that body has already appointed a sub-committee to investigate the grievances. Attempts were also made by the Director of Agriculture to meet these difficulties by the formation of a co-operative potato sale society in 1923 but without success.

SCHEME FOR PROMOTION OF TECHNICAL EDUCATION.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether they have prepared a scheme for the promotion of technical education in this presidency as promised by them in their Resolution no. P-36 (Educational Department) dated 15th August 1924, and if so,

(b) whether they will place it before the Council for its information ?

(c) Who is preparing this scheme, and if he has not already prepared it, how long will he take to prepare it ?

The Honourable Mr. B. V. JADHAV : (a), (b) and (c) Attention is invited to the reply given to the question on the subject put by the honourable member for the Bombay University at the last October session of the Legislative Council.*

Mr. P. G. JOSHI : The question referred to relates to the report of the Technical and Industrial Education Committee. I want to know as to the promise Government gave in their Resolution dated 15th August 1924, whether it will be acted upon ?

The Honourable Mr. B. V. JADHAV : I think the reply given meets it.

REVISION SETTLEMENT IN THAMNA VILLAGE.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether it is a fact that revision settlement work is being carried on at present in the village of Thamna in the Anand taluka ; if so,

(b) what stage it has reached, and

(c) whether in view of their recent declaration to suspend all revision settlement work Government propose to take any action ?

* Vide Vol. XIII, pages 527 to 529.

- The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.
 (b) Settlement inquiries have been completed. Petitions of objections are receiving consideration.
 (c) No. No such declaration was made.

Mr. P. G. JOSHI: May I know from the Honourable the Revenue Member whether he will give an assurance to the people of Thamna village in the Anand taluka that the settlement will not be introduced till the statute on this question has been passed by the Council?

The Honourable Mr. LALUBHAI SAMALDAS: Which statute does the honourable member refer to?

Mr. P. G. JOSHI: On the lines which will be recommended by the Assessment Committee?

The Honourable Mr. LALUBHAI SAMALDAS: The Assessment Committee's recommendations as accepted or modified by Government will be carried out.

Mr. P. G. JOSHI: I would like the Honourable Member to give an assurance to the people that the revision settlement rates will not be introduced till then.

The Honourable Mr. LALUBHAI SAMALDAS: I cannot give any definite assurance of that kind but I am prepared to inform the villages that the recommendations of the Assessment Committee will be considered and it is hoped to issue Government orders on the subject within a few months and that no revision settlements will be introduced in the course of this year.

HIRAPUR PRIMARY SCHOOL.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

- (a) whether it is a fact that the number of students on the register of the primary school at Hirapur in the Chalisgaon taluka of the East Khandesh district has fallen from nearly 140 to nearly 70 during the last twelve months; if so,
 (b) whether it is a fact that the fall in number is due to the action of the assistant master Shripat Ravji Marathe in asking the depressed classes students to sit in close contact with other students;
 (c) what the number of depressed classes students attending this primary school is at present;
 (d) whether it is a fact that the non-Brahmin residents of the village made applications to the educational authorities including the Honourable Minister for Education complaining about the action of the said assistant master and asking for his transfer at once;
 (e) whether it is a fact that the said master behaved insolently towards the Brahmin assistant deputy educational inspector, when he was investigating into the matter;

(f) the number of applications received by the Honourable Minister for Education in this behalf, their dates and the steps taken so far on the applications; and

(g) whether it is the policy of Government that the students of the depressed classes must be allowed to sit in close contact with other students in the class room?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

INCREASED ASSESSMENT IN CHALISGAON.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether it is a fact that notices have been published in the villages of the Chalisgaon taluka of the East Khandesh district, calling upon the villagers to state their objections to the proposed increase in the maximum rates of land assessment; if so,

(b) whether they propose to take any action in view of the declaration that revision settlements have been suspended?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) No. No such declaration has been made.

Mr. D. R. PATIL: Do Government intend to stop the revision settlement, that is, whether Government intend to confirm the revision proposals proposed by any Commissioners or various settlement officers till the questions are decided once for all by this Council?

The Honourable Mr. LALUBHAI SAMALDAS: It depends upon the time that the Assessment Committee may take to submit its report.

TODDY TREE-TAX.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether toddy trees in the Presidency are taxed at a uniform rate; if not,

(b) what are the maximum and minimum rates per toddy tree;

(c) what are the present rates of taxes in the Pardi Taluka of the Surat District;

(d) what were the rates per toddy tree in the Pardi Taluka in 1922-23, and 1923-24;

(e) whether it is a fact that the rates in the Pardi Taluka are increased and if so the reasons for such increase?

The Honourable Mr. A. M. K. DEHLAVI: (a) No.

(b) The honourable member is referred to column 3 of Appendix D to the Excise Administration Report for 1923-24 for all districts except Surat. The rates for the Surat District are Rs. 6 per tree (date and wild palm) in high yield and Rs. 3 per tree in low yield areas. The rates for cocoanut and brab trees are double these rates.

(c) and (d) The subjoined statement gives the information required :—

Original rates.			Revised rates.	
1922-23 and 1923-24.			1924-25.	
Ordinary.		Kaliparaj.	Cocoanut and brab trees.	Date trees.
Cocoanut and brab trees.	Date trees.	Date trees.		
Rs.	Rs.	Re. a.	Rs.	Rs.
5	2	1 4	Pardi East 6	3
			Pardi West. 12	6

(e) Yes. The old rates of tree-tax had remained unchanged for 35 years while the gross taxation on country spirit had increased by almost 150 per cent. during the last 20 years. The total taxation on toddy in the shape of tree-tax and the license fee had increased considerably and it was considered desirable that a part of this increase should be fixed permanently on the tree-tax. A high tree-tax acts as a direct check on the tapping of a large number of trees and thus results in reduced consumption.

DE LISLE ROAD GAMBLING DEN CASES.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) the allegations made by the owner of a gambling-den at DeLisle Road against police officers, in consequence of which a departmental inquiry was held ;

(b) the names of the police officers implicated ;

(c) the officer or officers who made the departmental inquiry in this connection ;

(d) the findings of this departmental inquiry ;

(e) the action taken by Government in this matter ; and

(f) the reasons why no criminal prosecutions were launched against those officers, who were found in the inquiry to have connived at the offences of the bucket-shopkeeper in question ?

The Honourable Sir MAURICE HAYWARD : (a) The person referred to alleged that he had made payments to certain officers to induce them to connive at his conducting a gambling shop.

(b) Superintendent Fuller, Inspector Chapman, Deputy Inspector Daudkhan.

(c) The Commissioner of Police.

(d) & (e) The three officers were dismissed.

(f) Government considered that no further action was necessary.

Mr. P. G. JOSHI: May we know the reasons why Government considered that no further action was necessary?

The Honourable Sir MAURICE HAYWARD: The honourable member seems hardly to realise the severity of the punishment of dismissal.

SCHOOL MASTER AS POST MASTER.

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): (a) Will Government be pleased to state how many schools there are in each district of the Central Division where the duty of a postmaster is entrusted to a schoolmaster?

(b) What allowance is allowed in such cases?

(c) The castes of such schoolmasters?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

TRUSTEES OF ALANDI DEVACHI.

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(a) whether there have been any complaints from the public regarding the management of the trustees of Alandi Devachi, taluka Khed, district Poona?

(b) if so, whether they have taken any steps in the matter?

(c) whether they have the power to appoint trustees for the Alandi Sansthan?

(d) if so, whether they have exercised the power up till now or intend to do so?

(e) are the accounts published for the information of the public?

(f) are the accounts of the Sansthan audited by a Government auditor: if not, why?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The only complaint hitherto received is that made by the honourable member himself.

(b) Government do not consider this to be a matter for their intervention.

(c) Yes.

(d) The power was only exercised in the original appointment 70 years ago.

(e) No.

(f) No. There is no provision of law for such an audit.

COMPULSORY PRIMARY EDUCATION.

Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) what local authorities or bodies have adopted the scheme of compulsory primary education in the Presidency and from what date?

(b) whether Government have spent any money by way of additional grants or otherwise for compulsory primary education during the current year? If so, what sum?

The Honourable Mr. B. V. JADHAV : (a) The municipalities named below have introduced free and compulsory primary education within their areas with effect from the dates mentioned against them :—

(1) Bandra	..	..14th June 1920.
(2) Satara	..	..1st January 1921.
(3) Surat	..	..1st October 1919.
(4) Byadgi	..	..1st April 1920.
(5) Dhulia	..	..1st March 1923.

No other local bodies have since introduced free and compulsory primary education within their areas.

(b) No.

FOREST PROPER IN VILLAGES NEAR KANARA.

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

(a) in which of the villages in Kanara there are proper forests within a radius of $\frac{1}{2}$ a mile from the village sites together with their names; and

(b) the total male and female population during the last three censuses and the number of cattle during the last three cattle censuses in each of such villages?

The Honourable Mr. A. M. K. DEHLAVI: There are 1,419 villages in the Kanara District and the compilation of the information asked for would require an undue amount of time and labour. Government therefore regret that they cannot undertake it.

Mr. M. D. KARKI: My question seems to have been misunderstood by the Government. Though there are 1,419 villages, there are no proper forests within a radius of half a mile from the village sites in the case of all villages.

The Honourable the PRESIDENT: The honourable member cannot make a statement. He can ask a supplementary question if he likes.

Mr. M. D. KARKI: Will Government be pleased to state whether in all the 1,419 villages there are proper forests within a radius of half a mile from the village sites?

The Honourable Mr. A. M. K. DEHLAVI: I ask for notice of the question.

Mr. M. D. KARKI: My question is in how many villages there are proper forests within a radius of half a mile.

The Honourable Mr. A. M. K. DEHLAVI: The reply is that 1,419 are such villages as the honourable member has in view.

Mr. M. D. KARKI: May I know whether in all these villages there are proper forests within a radius of half a mile from the village sites?

The Honourable Mr. A. M. K. DEHLAVI: I should think from the reply the honourable member may take it in that sense.

PAY OF PEONS IN THE PRESIDENCY.

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

(1) whether the pay of peons in the Revenue, Forest, Abkari, Educational and Judicial departments is uniform throughout the Presidency

(2) if not, what is their monthly pay in each district or group of districts in the Presidency;

(3) whether any allowance is given to them in addition to their pay? If so, what is the allowance and where is it given?

The Honourable Mr. H. S. LAWRENCE: Information has been called for.

FOREST STORE-HOUSES.

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

(a) the number of forest store-houses in each of the forest divisions of Kanara together with the place of location, the year and cost of construction, the annual cost of repairs and maintenance and the capacity of each of them;

(b) the maximum and minimum amount of the value of the forest produce stored in each of them annually;

(c) the variety or the varieties of forest produce so stored in each of them?

The Honourable Mr. A. M. K. DEHLAVI: It is not understood what the honourable member means by "Store-houses". Forest produce is usually stored in the open and only recently five seasoning sheds have been put up for stacking sawn material. Stores such as dead stock, implements, seeds, etc., are kept in range offices or forest nakas.

Mr. M. D. KARKI: Will Government be pleased to state where the five seasoning sheds have been put up?

The Honourable Mr. A. M. K. DEHLAVI: I should like to ask for notice of the question.

ASSISTANT DIVISIONAL FOREST OFFICER IN KANARA.

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

(a) whether an Assistant Divisional Forest Officer has been appointed for W. D. Kanara?

(b) if so, what are the reasons for making a new appointment?

(c) whether any other Divisional Forest Officers are given Assistants either in Kanara or elsewhere in the Presidency?

(d) if so, whether the creation of these posts was brought to the notice of this Council during the discussion of the budget or at any other time?

The Honourable Mr. A. M. K. DEHLAVI: (a) and (b). Mr. H. J. C. Millett, Assistant Conservator of Forests, Kanara, N. D., was appointed Assistant to the Divisional Forest Officer, Kanara, W. D., from 25th March to 6th April 1925 before assuming charge of the latter Division as Divisional Forest Officer, as it was necessary that he should spend some days with Mr. Bell, the officer to be relieved, before he actually took over charge from him.

(c) Yes.

(d) As appointments of this nature do not involve any increase in the cadre of the department it is not necessary to bring them to the notice of the Council.

Mr. M. D. KARKI: Was there any Assistant Conservator in the Northern Division during the absence of Mr. Millett?

The Honourable Mr. A. M. K. DEHLAVI: I do not think so, but I should like to have notice of that to be sure.

PEONS' PENSIONS.

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

(a) whether peons in the various departments are paid half the amount of their pay as pension after retirement?

(b) If not, what are the reasons for fixing their pension at a lower amount?

The Honourable Mr. H. S. LAWRENCE: (a) No.

(b) There is no universal principle that pension should be half pay. The principle adopted is that Government grant such terms of service as secure a supply of suitable servants.

Mr. M. D. KARKI: Is the supply greater than the demand in the case of peons?

The Honourable Mr. H. S. LAWRENCE: It depends on the circumstances of different districts.

Mr. S. N. ANGADI: Are Government aware that the peons in all the Government departments are entirely dissatisfied with the amount of pensions that are paid to them?

The Honourable Mr. H. S. LAWRENCE: I am not aware of it.

INSPECTING DEPARTMENT, DEPARTMENT OF EDUCATION.

Mr. HOOSEINBHOYA A. LALLJEE (Bombay City): Will Government be pleased to inform this House whether it is a fact that some of the "local authorities" have been approached by Government with a request to take over the entire staff of the inspecting branch of the Department of Education, and whether Government has given an undertaking to those "local authorities" to bear the whole expenses of the staff in case it is taken over by them?

The Honourable Mr. B. V. JADHAV: Yes; this is, however, a temporary arrangement only pending appointment by the local authorities of their own staffs. The whole question of transfer of the existing Government inspecting staff to Local Authorities is still under consideration.

INSPECTING BRANCH, DEPARTMENT OF EDUCATION.

Mr. HOOSEINBHOYA A. LALLJEE (Bombay City): Has Government issued any circular allowing their inspecting staff to apply for the posts of administrative officers in the various districts?

The Honourable Mr. B. V. JADHAV: The reply is in the negative.

Mr. G. B. PRADHAN: Government may not have issued a circular, but have Government permitted them to apply for posts of administrative officers in the districts?

The Honourable Mr. B. V. JADHAV: They have.

OPENING HOURS OF 3RD CLASS BOOKING OFFICE, AHMEDABAD.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether they are aware of the hardship experienced by third class passengers at the Ahmedabad railway station owing to the third class booking office being opened only about half an hour before the train time?

The Honourable Mr. LALUBHAI SAMALDAS: No. There appears to be some misunderstanding as the booking office is kept open practically throughout the day.

Khan Saheb A. M. MANSURI: Did the Honourable Member care to enquire how far the statement that the booking office is kept open throughout the day is correct?

The Honourable Mr. LALUBHAI SAMALDAS: I did not make enquiries of that kind, but, I am given to understand that the district traffic superintendent saw the honourable member who, after meeting that officer, said that he had asked the question on some misunderstanding.

Mr. G. I. PATEL: Will Government be pleased to state the hours during which the booking office is kept open at Ahmedabad station?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice of the question.

CANCELLATION OF LEAVE GRANTED TO DR. MONE.

Dr. M. M. MEHTA (Surat City): Will Government be pleased to state--

(a) whether it is a fact that six months' leave granted to Dr. Mone was cancelled;

(b) if so, the reasons why it was cancelled;

(c) whether the leave was cancelled at Dr. Mone's request or at the initiative of the Surgeon General?

The Honourable Mr. B. V. JADHAV: (a), (b) and (c). Dr. Mone had agreed to curtail his leave in case his services were required at any time for appointment as Civil Surgeon and as he was selected for Nasik his leave had to be cut short.

Dr. M. M. MEHTA: Does Dr. Mone possess any university qualifications?

The Honourable Mr. B. V. JADHAV: I think not.

Mr. R. G. PRADHAN: Is not Dr. Mone highly recommended by his superior?

The Honourable Mr. B. V. JADHAV: I think he is.

Dr. M. M. MEHTA : Were there no university first class men available in the whole service for this appointment ?

The Honourable Mr. B. V. JADHAV : It is only a temporary appointment for six months and Dr. Mone is a competent officer for the post.

Mr. R. G. PRADHAN : Is he not considered a civil surgeon of exceptional abilities ?

The Honourable Mr. B. V. JADHAV : Yes.

Khan Saheb A. M. MANSURI : Is it not a fact that Dr. Mone has earned a good deal of popularity both inside the hospital and outside ?

The Honourable Mr. B. V. JADHAV : It is a fact.

Dr. M. M. MEHTA : Were there no other in the service senior to Dr. Mone and possessing university qualifications, equally popular inside and outside the hospital ?

The Honourable Mr. B. V. JADHAV : Not to my knowledge.

MUNICIPAL ELECTIONS.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether it is a fact that the policy recommended by them for adoption by the municipalities in their order No. 6176 and Resolution No. 9693, dated 18th May 1921, and 14th September 1920, respectively has not been followed in some municipal districts in this Presidency ?

(b) if so, will Government be pleased to state in what cases it has not been followed, and why ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Yes.

(b) The cases in which the policy has not been followed and the reasons therefor are given below :—

Juhu.—This municipality consists of one-half elected and one-half nominated members with a nominated official as *ex-officio* president. The municipality was given this special constitution because it is established mainly for development purposes.

Satara Suburban.—This municipality consists of one-half elected and one-half nominated members. The larger proportion of elected members was not adopted as the municipality mainly exists for the military residents. It, however, elects its own president. The due representation of minorities is secured by nomination.

Karmala and Sangola.—The existing constitution of these municipalities is continued at their own request. Sangola has, however, re-arranged its wards in accordance with the orders of 1921 but has allotted less than three seats to certain wards.

Malcolmpeth.—The existing constitution is continued because it is an important hill station, the permanent population is small and does not contribute materially to the municipal funds.

Trimbak.—This municipality has been reconstituted in accordance with the orders of 18th May 1920 but the system of multiple seated constituencies with the cumulative right of voting was not adopted by

the municipality as adequate representation of minorities could be secured by nomination.

Alandi municipality was reconstituted in accordance with the orders of 1920. The orders of 1921 have not been given effect to but at the request of the municipality and for reasons urged by that body the whole municipal area was formed into one ward composed of one multiple seated constituency with cumulative right of voting.

Panchgani has been reconstituted in accordance with the orders of 1920 but the principles in the order of 1921 are not suitable because of (1) the smallness of the permanent population, (2) the smallness of the number of voters on any possible franchise except manhood franchise and (3) the preponderating interests of the schools and bungalow owners.

Matheran has been reconstituted in accordance with the principles in question except that it has an *ex-officio* president, the system of elected presidents not being suitable as the resident population of the municipal district is small and its councillors are mostly property owners who are not permanent residents of the hill and only come up for perhaps a month or two of the hot season. An elected non-official would therefore be on the spot only for a short period of the year—a condition of things which could hardly be permitted as it is especially necessary to combine continuity and efficiency of sanitary administration in view of the importance of the place as a health resort for Bombay.

Yemnur, Gudaguddapur, Gokarn and Ulvi are periodical municipalities functioning only during the periods of fairs at those places and the principles in question are not applicable to them except as regards the appointment of presidents. *Yemnur* and *Gudaguddapur* already elect their presidents, *Gokarn* and *Ulvi*, however, have *ex-officio* presidents as it is of great importance that the sanitary arrangements for the pilgrimages should be as well organised as possible.

Matiari has been reconstituted in accordance with the orders of 1920 but has not re-arranged its wards in accordance with the orders of 1921. The attention of the Collector concerned has been drawn to this. The recently established municipality of *Bhagur* has been constituted with a nominated majority as Government have given an undertaking to the military authorities to maintain the place in a sanitary condition.

AMENDMENT OF REGISTRATION ACT.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether any amendment of the Registration Act has been made or is in contemplation in consequence of the introduction of the photo-copying system ;

(b) if so, whether the sanction of the Government of India has been obtained for such amendment ;

(c) whether the Legislative Council has been consulted in connection with such amendment ?

The Honourable Mr. A. M. K. DEHLAVI: (a) An amendment of the Indian Registration Act is in contemplation.

(b) The sanction of the Governor General will be obtained when the Bill has been drafted.

(c) The Bill will be placed before the Legislative Council in due course.

REASONS FOR INTRODUCTION OF PHOTO-COPYING SYSTEM IN THE
REGISTRATION DEPARTMENT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) in what respects the old system of copying by hand which prevailed in registration offices was found to be so defective as to justify the introduction of the photo-copying system;

(b) in what respects the photo-copying system is superior to copying by hand;

(c) whether the photo-copying system was introduced for the convenience of the public or for departmental convenience or for both? If for both, state how?

The Honourable Mr. A. M. K. DEHLAVI: (a) and (b) The honourable member is referred to the Press Note No. P.-143, dated 28th August 1924, issued by the Director of Information.

(c) For both. The Press Note referred to above enumerates the advantages of the system to the public as well as the department.

APPOINTMENT OF MESSRS. SANDEMAN AND GARLAND AS
ASSISTANT CONSERVATORS OF FORESTS.

Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state the pay, qualification and previous experience in the Forest Department of Mr. Sandeman, the Assistant Conservator of Forests in the Thana Division, and Mr. Garland, the Assistant Conservator of W. Nasik Division?

(b) Will Government be pleased to state on what date they were appointed and whether no Indians were available for these posts?

(c) Will Government be pleased to state whether the question of Indianising the Forest Department was not before their eyes when these appointments were made?

The Honourable Mr. A. M. K. DEHLAVI:

(a) Mr. R. F. Sandeman	..	..	..	Rs. 525
<i>plus</i> Overseas pay	..	..	..	£ 15
Mr. E. A. Garland	..	..	..	Rs. 525
<i>plus</i> Overseas pay	..	..	..	£ 15

Messrs. Sandeman and Garland were appointed to the Indian Forest Service by the Secretary of State after they had fulfilled the conditions laid down in the Regulations. They have undergone a special course of Forestry at a University in England.

	Date of appointment.	
(b) and (c) Mr Garland 11th December 1922.
Mr. Sandeman 10th December 1922.

Since 1920 recruitment is made partly in India and partly in England. Messrs. Garland and Sandeman were appointed to the Indian Forest Service by the Secretary of State. In the years 1920 and 1921 in which Messrs. Garland and Sandeman respectively were selected, applications for the appointment of probationer in India were invited by the Government of India, but no candidate was appointed to this presidency.

Mr. G. B. PRAHDAN: May I know what are the qualifications for appointment as Assistant Conservators of Forests?

The Honourable Mr. A. M. K. DEHLAVI: The Assistant Conservators of Forests are usually appointed from the cadre, I mean the men who are on the list.

Mr. G. B. PRADHAN: I wanted to know the qualifications for the posts.

The Honourable Mr. A. M. K. DEHLAVI: The usual qualifications are training at Dehra Dun or at one of the universities in England.

Mr. G. B. PRADHAN: May I know why an exception has been made in these two particular cases?

The Honourable Mr. A. M. K. DEHLAVI: They were found to be fit men for the posts.

Mr. M. R. JAYAKAR: Was the Honourable Member consulted before these officers were appointed?

The Honourable Mr. A. M. K. DEHLAVI: No.

Mr. G. B. PRADHAN: It is stated in the reply that in 1920 and 1921 applications for the appointment of probationers in India were invited by the Government of India, but no candidate was appointed to this presidency. May I know the reasons why no Indian candidate was selected for these posts?

The Honourable Mr. A. M. K. DEHLAVI: I ask for notice of the question.

Rao Saheb D. P. DESAI: May I know what the Government of India has to do with forests?

The Honourable Mr. A. M. K. DEHLAVI: The Imperial forest officers for all India are recruited by the Secretary of State and on the recommendations of the Government of India. The Government of India have their say in the matter when the provincial Governments make the recommendations for the Imperial Forest Service.

Rao Saheb D. P. DESAI: In what way are they concerned with the forest administration of this presidency?

The Honourable Mr. A. M. K. DEHLAVI: Not in the forest administration, but in the appointment of Imperial officers.

Rao Saheb D. P. DESAI: I can understand the Secretary of State making the appointments of certain officers, but I cannot understand what the Government of India have got to do with the appointments in the forests service.

The Honourable Mr. A. M. K. DEHLAVI: The applications are invited by the Government of India through the provincial Governments for the Imperial Forest Service appointments.

Rao Saheb D. P. DESAI : Why should the Government of India invite applications and not this Government ?

The Honourable Mr. A. M. K. DEHLAVI : That has been the rule so far.

Mr. J. C. SWAMINARAYAN : Is not forest a transferred subject in this presidency ? Then why did not Bombay Government make the appointments themselves ?

The Honourable Mr. A. M. K. DEHLAVI : It is a transferred subject in this province. The Imperial appointments are made by the Secretary of State, and candidates for the higher forest service are selected by the Government of India also for the whole of India. The provincial Government submits names from here if there are any candidates for being sent up for study in England. The rules are like that. They may be changed in future under the new circumstances.

Rao Saheb D. P. DESAI : Did this Government submit any names from this presidency to the Government of India for nomination to the Forest Service ?

The Honourable Mr. A. M. K. DEHLAVI : Yes : many.

MOULVI RAFIUDDIN AHMAD : May I ask whether the last word in the matter of the selection of these other forest officers in this presidency rests with the Honourable the Minister ?

The Honourable Mr. A. M. K. DEHLAVI : Yes : it rests with the Government of Bombay in the provincial forest service.

Mr. W. S. MUKADAM : May I know why the Government has not replied to my question (c) ?

The Honourable Mr. A. M. K. DEHLAVI : The reply is to both (b) and (c).

Mr. M. R. JAYAKAR : These appointments were made, as I find from the answer, in 1922 and 1923. Was there no transferred department at that time ?

The Honourable Mr. A. M. K. DEHLAVI : No. They were made in 1920 and 1921.

The Honourable Mr. H. S. LAWRENCE : If the honourable member will read the answer, he will find that these officers were selected in 1920 and 1921. They were then sent for training and subsequently distributed by the Government of India in 1922 and 1923.

STATEMENT OF FOREST PRIVILEGES GRANTED AT THE FOREST SETTLEMENT.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to put on the Council table a statement showing all the rights and privileges given to the inhabitants of villages who contributed lands to the reserved forest in the Panch Mahals district at the time of the forest settlement ?

The Honourable Mr. A. M. K. DEHLAVI : The collection of the information asked for by the honourable member would require an

undue amount of time and labour. Government therefore regret they cannot undertake it.

ALLOWANCE TO GOVERNMENT SERVANTS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state what amount was paid to Government servants in each of the departments in each of the last five years on account of monthly pay, personal allowance, travelling allowance, etc., stating separately the sum paid to Indians and non-Indians respectively?

The Honourable Mr. H. S. LAWRENCE: The information called for cannot be supplied without a vast amount of labour for which Government can see no justification.

NUMBER OF INDIAN AND EUROPEAN IMPERIAL OFFICERS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the number of Indian and European Imperial officers respectively in each of the departments of the Government at present and the number of such officers in each department seven years ago?

The Honourable Sir MAURICE HAYWARD: A reference is invited to the Bombay Civil Lists.

ALLEGED EXACTION OF ARTICLES AND SERVICE WITHOUT PAYMENT BY OFFICERS IN THE PANCH MAHALS DISTRICT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether it is a fact that the subordinates of the Police Department working in the district of the Panch Mahals from Sub-Inspectors downwards take rations without any payment from persons who have lodged complaints of theft, dacoity, robbery, etc., when they go to them for inquiry?

The Honourable Sir MAURICE HAYWARD: The answer is in the negative.

REMISSION OF LAND REVENUE PAYABLE BY THE TALUKDAR OF SANAND.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether half the amount of revenue payable by the Talukdar of Sanand for the year 1918 was remitted by them?

The Honourable Mr. LALUBHAI SAMALDAS: Half the jama for the year 1918-19 amounting to Rs. 6,416 was remitted by Government in the marginally noted 9 villages of the Sanand Estate in the year 1920-21.

1. Devti Moti. 2. Fangdi.
3. Goraj. 4. Kolat.
5. Modasar. 6. Rupavati.
7. Sari. 8. Loyla. 9. Telav.

**COLLECTION BY EXCISE OFFICERS OF KHARAGHODA FOR SPORTS
AND RACES.**

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) Whether they are aware that the Excise Officers of the Kharaghoda Customs line collect money every year for sports and races at Kharaghoda from the people of bordering villages ?

(b) If so, will they state what amount they have collected during the last 3 years, stating separately what amount is contributed by each village and through whom ?

(c) Is it a fact that the Excise Inspector of Kharaghoda Customs Lines pressed people of Mithapur in the monsoon of 1924 in Dholka Taluka of the Ahmedabad District for money for the Kharaghoda Sports Fund ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Voluntary contributions are received from the chiefs, talukdars and leading persons in cities like Ahmedabad, but no collections are made from the villagers on the border of the preventive line.

(b) The accounts of the sports fund are not preserved.

(c) No.

Mr. H. D. SAHEBA: May I know on whose report this answer is based: "Voluntary contributions are received from the chiefs,..... but no collections are made from the villagers on the border of the preventive line" ?

The Honourable Mr. LALUBHAI SAMALDAS: On the report of the Collector of Salt.

Mr. W. S. MUKADAM: Is it not a fact that the people of Mithapur were harassed by the collecting servants as the people did not pay according to their wishes ?

The Honourable Mr. LALUBHAI SAMALDAS: No.

Mr. W. S. MUKADAM: May I know whether receipts were given to the donors ?

The Honourable Mr. LALUBHAI SAMALDAS: I have given the information available. If any information is supplied to me about compulsory contributions I am prepared to make enquiries.

Mr. W. S. MUKADAM: May I know the names of those officers who were allowed to collect these voluntary contributions ?

The Honourable Mr. LALUBHAI SAMALDAS: All those who were prepared to pay did come and pay.

Mr. W. S. MUKADAM: What officers were appointed to collect ?

The Honourable Mr. LALUBHAI SAMALDAS: No special officers were appointed.

Mr. H. D. SAHEBA: Does the Honourable Member know that in these villages the contributions are not collected from individuals but from the whole village like the *chauth* or *sardeshumkhi* ?

The Honourable Mr. LALUBHAI SAMALDAS: The Salt Collector says 'No'.

Mr. W. S. MUKADAM: Is it not a fact that in particular villages the sum was taken from the *panch*?

The Honourable Mr. LALUBHAI SAMALDAS: The officer reports that nothing of that kind was done. If representation is made and evidence produced I am prepared to have enquiries made.

Mr. W. S. MUKADAM: Am I to understand from this that evidence should be produced before the Honourable the Revenue Member?

The Honourable Mr. LALUBHAI SAMALDAS: Yes.

Mr. H. D. SAHEBA: Will the Honourable Member undertake to give instructions to this department not to raise further money?

The Honourable the PRESIDENT: The honourable member is making a suggestion for action.

Mr. H. B. SHIVDASANI: Does any officer of the excise department go about collecting money for this purpose?

The Honourable Mr. LALUBHAI SAMALDAS: Not, so far as my knowledge goes.

Mr. H. B. SHIVDASANI: Then, are special officers appointed?

The Honourable Mr. LALUBHAI SAMALDAS: No.

Mr. H. B. SHIVDASANI: Then, who collects them?

The Honourable Mr. LALUBHAI SAMALDAS: Voluntary contributions are sent to them.

Mr. W. S. MUKADAM: Do Government approve of such collections?

The Honourable Mr. LALUBHAI SAMALDAS: Government see nothing objectionable in voluntary contributions being raised.

Mr. W. S. MUKADAM: Are not handbills issued by the Government for this fund?

The Honourable Mr. LALUBHAI SAMALDAS: No, so far as my information goes.

GRATUITY TO MUNICIPAL SERVANTS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(1) Which of the urban municipalities in the Northern Division have not adhered to model rule No. 224 regarding gratuity to municipal servants even though they have not introduced the scheme for pension or provident fund?

(2) Whether their attention has been drawn to the rules made by Jambusar Municipality regarding gratuity to municipal servants?

(3) Whether it is a fact that the rule made by the Jambusar Municipality is not in conformity with model rule 224?

(4) If so, will Government be pleased to state the reason which led the Commissioner, N. D., to sanction the rule made by the Jambusar Municipality?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information is being obtained.

RETRENCHMENT IN THE FOREST DEPARTMENT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) how many and what posts are abolished and what saving has been effected in the Forest Department to give effect to the recommendations of the Retrenchment Committee;

(b) how many posts in the Forest Department on which European officers are appointed are abolished for the sake of retrenchment?

The Honourable Mr. A. M. K. DEHLAVI: (a) No post has been abolished in the Forest Department in consequence of the recommendations of the Retrenchment Committee. An approximate saving of Rs. 7,800 has been effected in consequence of reduction of the Satara Division from a major to a minor charge. Government have however not been unmindful of the necessity for retrenchment in the Forest Department. Since 1921 reductions have been made in permanent and temporary establishments resulting in an annual saving of Rs. 1,03,980 and Rs. 1,06,072 respectively.

(b) None.

GODHRA MUNICIPALITY HOUSE TAX.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state in the following tabular form the arrears of the House Tax of Godhra Municipality from the year 1919 to 1924:

Year.	House Tax arrears from Hindus.	House Tax arrears from Mahomedans.			Total arrears.
		Bohras.	Shaikhs.	Other Mahomedans.	
1919				
1920				
1921				
1922				
1923				
1924				
Total arrears				

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information is being obtained.

INDICES OF DOCUMENTS UNDER PHOTO-COPYING SYSTEM IN REGISTRATION DEPARTMENT.

Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state whether copies made by the photo-copying system can be more safely preserved than copies made by hand?

(b) Will they be pleased to place on the Council table a sample of a set of new indices of 1923 and one of 1921 or 1922?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) Samples* of old indices of 1922 and new indices for 1923 are placed on the Council table.

Mr. G. B. PRADHAN: Are Government aware that the new cards are likely to get torn?

The Honourable Mr. A. M. K. DEHLAVI: No.

COLLECTORS AND ASSISTANT COLLECTORS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state how many Collectors and Assistant Collectors there are in the Presidency and how many of them are Indians?

The Honourable Mr. LALUBHAI SAMALDAS: Including the posts of the Collector of Bombay, the Registrar of Co-operative Societies and the Collector of Salt Revenue, Bombay, and excluding the post of the Deputy Commissioner, Upper Sind Frontier, there are 28 posts of Collectors in this Presidency. Of these 8 are at present held by Indians.

The number of Assistant Collectors is not fixed and varies from time to time. At present there are 19 officers doing duty as Assistant Collectors. Of these 12 are Indians.

SECRETARIES AND UNDER SECRETARIES TO GOVERNMENT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state separately how many Secretaries and Under Secretaries there are in the Secretariat and how many of them are Indians?

The Honourable Mr. H. S. LAWRENCE: There are ten Secretaries, including one temporary post created for four months, six Deputy Secretaries and three Under Secretaries. Out of them, one Secretary, four Deputy Secretaries and one Under Secretary are Indians.

GOVERNMENT STALLIONS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state how many Government stallions there are in the presidency and at what places they are kept?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSEIN: There are at present no Government stallions in the Presidency as horse-breeding operations have been discontinued in the Presidency proper.

COLONEL K. V. KUKDAY.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) whether it is a fact that there was strong opposition on the part of non-Indians to the appointment of Lieutenant-Colonel K. V.

* Kept in the Secretary's office.

Kukday to the post of Surgeon General of this Presidency owing to his being an Indian ?

(b) Will Government be pleased to state the reasons for the transfer of Colonel Kukday to the Central Provinces from this Presidency ?

The Honourable Mr. B. V. JADHAV : (a) Government are not aware of any such opposition.

(b) The post of Inspector General of Civil Hospitals is higher than that of a Civil Surgeon. The permanent appointment of Colonel Kukday is that of a Civil Surgeon and he has accepted the higher appointment offered to him by the Government of India.

Mr. C. M. SAPTARSHI : Was Colonel Kukday removed out of this presidency to make room for a European officer in this presidency ?

The Honourable Mr. B. V. JADHAV : No.

SCHOLARSHIPS FOR FEMALE STUDENTS.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state what sum they intend setting apart this year for scholarships to female students for encouraging secondary education among girls ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

GRANTS TO AIDED SCHOOLS.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : (a) Will Government be pleased to state whether it is a fact that the aided schools of Surat and Nadiad are given additional grants while some of the aided schools of Ahmedabad are debarred from the payment of additional grants due to them ? If so, will they be pleased to place on the Council table a list of all such schools with reasons for allowing or disallowing such grants to them ?

(b) Will Government be pleased to place on the Council table a list of aided schools in the Northern Division the expenditure estimated by the Manager of each such school, the expenditure admitted by the Educational Inspector and the grant given by the Education Department to each of them in the year 1924-25 ?

(c) Will Government be pleased to state what standard was followed by the Educational Inspector in the year 1924-25 in the reduction of grants to aided schools in the Northern Division.

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

SELECTION OF PRIZE BOOKS BY EDUCATIONAL INSPECTOR, N. D.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state if it is a fact that in selecting and ordering books for prizes preference is given by the Educational Inspector, N. D., to the booksellers of Surat ?

The Honourable Mr. B. V. JADHAV : No, it is not a fact.

AIDED PRIMARY SCHOOLS.

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

(a) the number of private primary schools that stood on the list of aided institutions on 31st March 1925?

(b) how many of these schools were aided at the rate of one-half or more of their admitted total expenditure?

(c) how many of those aided at such rates would suffer pecuniary loss on account of the transfer of primary education to local bodies, by having their grants reduced?

(d) in the case of such schools, whether any steps have been taken or are proposed to be taken to compensate them for their loss?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

INDIGENOUS SYSTEM OF MEDICINE.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state what steps they have taken or propose to take to promote the study of and research in the indigenous systems of medicine on the lines of the recommendations made by the Madras Committee on the indigenous systems of medicine?

The Honourable Mr. B. V. JADHAV: A report has been recently received from the Surgeon-General on the subject which is under consideration of Government.

THE BOMBAY PRIMARY EDUCATION ACT (AMENDMENT) BILL.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the table the correspondence that passed between them and the Government of India on the subject of my "Bombay Primary Education Act (Amendment) Bill" to which His Excellency the Governor has refused previous sanction?

The Honourable Mr. B. V. JADHAV: Government do not consider that any useful purpose will be served by placing the correspondence on the table.

THE WEEKLY REPORT.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether (a) it is a fact that weekly reports on the Press in this Presidency are prepared by the Oriental Translator or some other officer, and copies thereof sent to certain officers? If so, to what officers are copies of those reports sent?

(b) is it a fact that copies of these reports are sent to the *Times of India*?

(c) why are not copies of these reports sent to honourable members of this Council?

The Honourable Sir MAURICE HAYWARD: (a) and (c) A confidential report is prepared weekly for the information of selected officers.

(b) The reply is in the negative.

Mr. R. G. PRADHAN : Who are those selected officers ?

The Honourable Sir MAURICE HAYWARD : I cannot say.

Mr. R. G. PRADHAN : There is no reply given to (c) of my question.

The Honourable Sir MAURICE HAYWARD : I thought the honourable member would guess the answer to that part of the question. The documents are confidential so that they cannot be laid on the table of this House.

Mr. R. G. PRADHAN : Is the Honourable the Home Member aware that there is a great desire on the part of honourable members of this House that they should be supplied with these confidential reports ?

The Honourable Sir MAURICE HAYWARD : No, I am not aware of it.

CONFISCATION OF PERSONAL INAMS ON ACCOUNT
OF NON-CO-OPERATION.

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state—

(a) whether besides the four instances quoted in reply to a question put at the last meeting, certain inam lands belonging to one Anant Appaji Kulkarni of Yelgaon, taluka Karad, have been resumed or forfeited on the ground that the said Anant took part in the non-co-operation movement ?

(b) whether it is a fact that the said Anant had expressed his regret in the course of the inquiry held in connection with this forfeiture ?

(c) what was the express act of Anant Appaji which led Government to resume notwithstanding such an expression of regret ?

(d) whether any act of Anant caused any loss to Government or whether the resumption was simply a punishment ?

(e) whether the shares of Anant's sons, one of whom is a Government servant, are also resumed for the acts of Anant ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) Yes.

(b) Yes.

(c) He delivered a public speech in which he urged his hearers not to pay land revenue to Government and to non-co-operate with Government in every way.

(d) The resumption was intended as a punishment.

(e) The resumption was absolute, and not limited to the life-time of the offender.

Mr. R. G. SOMAN : Why was not the expression of regret considered to be sufficient punishment ?

The Honourable Mr. LALUBHAI SAMALDAS : It was not considered sufficient.

Mr. R. G. SOMAN : Why ?

The Honourable Mr. LALUBHAI SAMALDAS : Because the inquiring officer thought so.

Rao Saheb D. P. DESAI : What will be considered sufficient ?

The Honourable Mr. LALUBHAI SAMALDAS: That is a hypothetical question.

Mr. C. M. SAPTARSHI: Will Government lay down their policy in this connection?

The Honourable Mr. LALUBHAI SAMALDAS: (Inaudible).

Mr. P. G. JOSHI: Will the Honourable the Revenue Member be pleased to place the speech of Anant on the Council table?

The Honourable Mr. LALUBHAI SAMALDAS: No.

Mr. W. S. MUKADAM: Will the extract of the speech in question be placed on the Council table?

The Honourable Mr. LALUBHAI SAMALDAS: I have said, Sir, that Government has taken this action as punishment and the Executive must be trusted by the honourable members of this Council.

Mr. M. R. JAYAKAR: Having regard to the change in the political atmosphere, will Government consider the advisability of taking a more liberal view of such actions?

The Honourable Mr. LALUBHAI SAMALDAS: That is rather a hypothetical question. That does not arise.

Mr. M. R. JAYAKAR: It is not a hypothetical question.

The Honourable the PRESIDENT: It is a suggestion for action.

Rao Saheb D. P. DESAI: Was it laid down in the Sanad given to Anant that if he took part in non-cooperation and advised people not to pay land revenue to Government his Sanad would be confiscated to Government?

The Honourable Mr. LALUBHAI SAMALDAS: There was no non-cooperation when this Sanad was given.

Rao Saheb D. P. DESAI: Why is it then that it is on this very ground that the inamdar's sanad has been cancelled?

The Honourable Mr. LALUBHAI SAMALDAS: Because of the loyalty clause.

Mr. R. G. SOMAN: Why was punishment inflicted on the son for fault of his father? What had the son done to be punished in this way?

The Honourable Mr. LALUBHAI SAMALDAS: The Act gives that power to Government.

Mr. R. G. SOMAN: Is the son still in Government service?

The Honourable Mr. LALUBHAI SAMALDAS: I ask for notice.

Mr. J. C. SWAMINARAYAN: Why was he punished for things that were not mentioned in the Sanad?

The Honourable Mr. LALUBHAI SAMALDAS: I have no information on the subject.

Mr. W. S. MUKADAM: Under what Act was the son punished for the action of his father?

The Honourable Mr. LALUBHAI SAMALDAS: The orders were under the Watan Act.

PRIMARY SCHOOL TEACHERS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state the number of (1) Brahmin, (2) Non-Brahmin, and (3) Depressed class teachers in primary schools in the several districts of the Central and Southern Divisions of the Bombay Presidency ?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

VATANDARS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state —

(a) the number of cases in the district of Satara in which deputies have been appointed to officiate in place of the representative vatandars, the latter having been declared to be unfit under section 45 or under section 58 of Act III of 1874 ?

(b) how many of such deputies have been appointed at the instance of the representative vatandar and how many by the Collector ?

(c) how many of such deputies are outsiders and persons not belonging to the vatan family ?

(d) in how many cases representative vatandars have been declared to be unfit on account of conviction for a criminal offence or for grave misconduct ?

The Honourable Mr. LALUBHAI SAMALDAS: The question is vague as it does not specify the year from which the honourable member wants the information and the task of collecting all these figures is not worth the trouble and expense involved.

Mr. R. G. SOMAN: I have asked for statistics of instances as they exist at present.

The Honourable Mr. LALUBHAI SAMALDAS: From which year ?

Mr. R. G. SOMAN: As they exist at present. The question is quite plain.

The Honourable Mr. LALUBHAI SAMALDAS: It is not plain.

DRUGS FOR GOVERNMENT MEDICAL STORES.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state the names of Indian and foreign firms from which drugs are purchased for the Government Medical Stores of Bombay ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

ORDERS UNDER SECTION 72 (D) (3) OF THE GOVERNMENT OF INDIA ACT.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to place on the Council Table all the decisions of the Governor of Bombay passed under clause 3 (4) of section 72 (D) of the Government of India Act relating to heads of expenditure declared to be non-votable in the Civil Estimates submitted to the Council since the year 1921 ?

The Honourable Mr. H. S. LAWRENCE: The attention of the honourable member is invited to the reply given to the question put by Mr. P. G. Joshi on 21st July 1925.

CONVERSION OF CAMPING GROUND, RAJAPUR, FROM SCHOOL GROUND
TO TENNIS COURT.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) whether it is a fact that a plot out of the camping ground at Rajapur, District Ratnagiri, was granted for purposes of a play-ground for the High School students?

(b) whether it is now diverted from its intended purpose and is being used as a tennis court for officers and teachers?

(c) whether any sanction or permission was obtained for its use as a tennis court?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes: The whole plot of the old camping ground was granted to the Rajapur Schools Committee for use as boys' play-ground.

(b) No. In a corner of this plot, a tennis court has been prepared for the High School Staff. Pleaders closely connected with the School and Government officers keenly interested in its welfare and prosperity are admitted to the tennis court.

(c) No sanction was required.

DIARY OF THE MOVEMENTS OF THE MAMLATDAR OF THE
NORTH DASKROI TALUKA.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (a) Will Government be pleased to place on the Council Table the diary of the movements of the mamlatdar of North Daskroi Taluka between the 25th November 1924 and 1st December 1924?

(b) Will they be further pleased to state whether he kept his head quarters near Khoraj polling station for the local board elections during those days?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Extract* from the diary of the mamlatdar from 25th November 1924 to 1st December 1924 is laid on the Council Table.

(b) No.

Mr. J. C. SWAMINARAYAN: The diary states that the mamlatdar had his camp at Khoraj on 26th and 27th November 1924 while the reply to (b) is "No".

The Honourable Mr. LALUBHAI SAMALDAS: The honourable member's question (b) ask if the mamlatdar kept his headquarters near Khoraj polling station for the local board elections during those days? The reply is "no". The mamlatdar did not stay there for that purpose. That is clear enough.

* Vide Appendix No. 51.

Mr. G. K. MAVALANKAR : Was it merely a coincidence ?

The Honourable Mr. LALUBHAI SAMALDAS : Yes, Sir.

Mr. J. C. SWAMINARAYAN : Were not the villages visited by him during those days within two miles of Khoraj polling station ?

The Honourable Mr. LALUBHAI SAMALDAS : He has visited villages as per appendix but he did not do so for the purpose of the local board elections.

INSTITUTION FOR DEFECTIVES.

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

(a) to give a list of the institutions for defectives in the province of Bombay and state the amount of Government grant given to each of them ;

(b) to state what steps they have taken to train teachers for defectives, sufficient for establishing one Government school for defectives in each division of the province ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

GUJARAT COLLEGE.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state the number of students who applied for admission to the Gujarat College during the last five years and the number who were refused admission for want of space ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

PENSION RULES.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : (a) Will Government be pleased to state whether they are revising the existing Pension Rules ?

(b) If so, will they be pleased to say when the revised rules will be published and given effect to ?

The Honourable Mr. H. S. LAWRENCE : (a) The revision of the existing Pension Rules is under the consideration of the Secretary of State.

(b) No definite date can be given.

S. M. S. OFFICERS.

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

(a) whether they are aware that the personal allowances granted to S. M. S. Officers in Government Resolution No. 2991, dated 3rd December 1923, in modification of Government Resolution No. 326, dated 7th March 1922, are only a partial relief for the great loss they underwent in losing their well-earned superior grade promotions after serving several years in the lower grades ?

(b) whether they are aware that by ignoring the promotions earned by the S. M. S. Officers after 1st March 1921 but before the issue of Government Resolution No. 326 of 7th March 1922 they were put on the same scale of pay with those officers who were nine years junior to them ?

(c) whether Government resolutions take effect from the date of their issue and retrospective effect is given only for benefiting the public servants and not for inflicting losses on them ?

The Honourable Mr. B. V. JADHAV : Inquiries are being made.

AHMEDABAD MUNICIPALITY WATER WORKS AND DRAINAGE SCHEME.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state what the total expenditure on the combined water works and drainage completion scheme commenced by the municipality of Ahmedabad will be and the amount of grant-in-aid to be paid to the municipality by Government as their share of the financial burden involved ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The total estimated expenditure of the scheme referred to is reported to be Rs. 91,23,800. The Municipality applied to Government in 1922 for a grant-in-aid of 50 per cent. of the estimated cost but the request was not complied with owing to financial stringency.

Mr. J. C. SWAMINARAYAN : Did not Government accord its sanction to the scheme on the understanding that the whole scheme would cost forty-six lakhs of rupees ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Not to my knowledge.

LOCAL ALLOWANCES TO GOVERNMENT SERVANTS, AHMEDABAD.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state whether they have received a representation from the Government servants of Ahmedabad as regards the granting of local allowance to them ?

The Honourable Mr. H. S. LAWRENCE : Yes.

Mr. P. G. JOSHI : Have Government taken any action on that representation ?

The Honourable Mr. H. S. LAWRENCE : It is under consideration.

AHMEDABAD-KUTNA ROAD.

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

(a) the amount of money spent by the Public Works Department on the Ahmedabad-Kutna road.

(b) what portion of the road has been constructed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information has been called for.

PORTS IN GUJARAT.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars): In view of the fact that an officer has been appointed by Government to investigate the possibilities of opening ports at Dholera, Surat, Broach and other places in Gujarat, will Government be pleased to state:

(a) which officer has been appointed for the purpose and whether he has been instructed to consult local bodies such as municipalities and local boards;

(b) what stage the investigations of the said officer have reached?

(c) Will Government be pleased to place on the Council table the report of the said officer, if it is ready?

(d) Will Government be pleased to state if they contemplate taking any action with a view to improving the present condition of these ports of Gujarat?

The Honourable Mr. **LALUBHAI SAMALDAS**: (a) Mr. J. P. D'Arcy, Superintendent of Lights, Bombay, was recently appointed to carry out a survey of the Northern Group Ports with a view to examining the possibility of their improvement but he was not instructed to consult any local bodies.

(b), (c) and (d) The officer appointed has submitted his inspection report which is under consideration of Government.

Rao Saheb D. P. **DESAI**: Will his report be published for the information of the Council?

The Honourable Mr. **LALUBHAI SAMALDAS**: If Government think it necessary, they will do it.

Mr. **H. H. NARIELVALA**: Will it be placed on the Council table?

The Honourable Mr. **LALUBHAI SAMALDAS**: It depends upon the importance of the question.

DEHEJ-BROACH COMMUNICATIONS.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased to state—

* * * * *

(b) whether they are aware that the road leading to Dehej from Broach is completely impassable during the rains and in case of emergency, any transport of troops is impossible;

(c) whether they are aware that many country crafts and boats ply between Kathiawar, Dehej and Broach;

(d) whether they are aware that the road from Broach to Dehej is of more than local importance?

The Honourable Khan Bahadur **SHAIKH GHULAM HUSSAIN**: The necessary information has been called for.

PANVEL LANDS ACQUIRED FOR THE TATA POWER COMPANY, LIMITED.

Dr. **M. B. VELKAR** (Bombay City, South): Will Government be pleased to lay on the Council Table the notification or Resolution

whereby Government acquired lands in several villages of the Panvel Taluka for the Tata Power Company, Limited, and furnish a statement showing names of villages and the particulars of area and assessment of lands so acquired and the names of persons affected by such acquisition and the amounts of compensation given to such persons specifying the lands for which such compensation was given ?

The Honourable Mr. LALUBHAI SAMALDAS: Lands required by the Tata Power Company, Limited, in the Panvel taluka of the Kolaba District were notified for acquisition under the following Government Notifications * which are laid on the Council Table :-

Government Notifications, Revenue Department, No: 4443, dated 11th and 17th November 1922.

Government Notifications, Revenue Department, No. 117-B and 117-B (a) dated 17th January 1925.

The acquisition proceedings have not been completed and the lands have not been acquired. Further information will be supplied after the acquisition proceedings are completed.

SUMPTUARY GRANT TO HIS EXCELLENCY THE GOVERNOR.

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state whether any sumptuary grant is made to His Excellency the Governor of Bombay? If so, what is the amount?

The Honourable Mr. H. S. LAWRENCE: The Honourable Member is referred to page 75 of the Civil Budget Estimates for the current year.

REVENUE, FOREST AND EXCISE INCOME OF DHARWAR, BELGAUM, BIJAPUR AND KANARA.

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) the total annual income and expenditure for the last five years under all heads of the following districts, viz., Dharwar, Belgaum, Bijapur and Kanara, and

(b) the net annual income for the last five years under the heads, Revenue, Forest and Excise of each of the said four districts ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) The Honourable Member is referred to the Honourable Members and Ministers in charge of the Departments for which information is desired.

(b) As regards the figures of income under the heads Land Revenue and Excise for the districts in question the Honourable Member is referred to the Annual Administration Reports of Land Revenue and Excise for the years concerned. Information regarding expenditure by districts is not available as the departmental accounts are not maintained for districts. As regards the information under the head Forest the attention of the Honourable Member is invited to appendix 68 of the annual Forest Administration Reports of the years concerned.

* Kept in the Secretary's Office.

Mr. P. G. JOSHI : Before we proceed, may we know how many days Government are going to take up out of this session for Government business ? Last session we were informed of this but this time we have not been given the information.

The Honourable Sir MAURICE HAYWARD : It is not the custom to allot any particular number of days for official business. The rules only require allotment of time for non-official business.

Mr. G. B. PRADHAN : It would be convenient to us if we have any idea of how long Government business is likely to take.

The Honourable Sir MAURICE HAYWARD : I should like to consider that and make a statement if possible, but I think honourable members will realise that it depends very largely on honourable members (Honourable Members : On Government members also) on both sides of the House.

RENT ACTS AMENDMENT BILL.

(Further consideration of Clause 2 resumed.)

The Honourable the PRESIDENT : The next amendment on the list is from the honourable member Mr. Surve. The latter part of it having been disposed of cannot now be considered, and the honourable member if he wishes to move his amendment will have to confine himself to the first part of it which means the decontrolling of rents of Rs. 8 and under.

Mr. A. N. SURVE (Bombay City, North) : Sir, I am going to move my amendment about decontrolling. I beg to move :

"In line 10 for the letters and figures 'Rs. 85' substitute the following clause, namely, 'Exceeds Rs. 8, but does not exceed Rs. 85'."

Sir, the Honourable the General Member has stated yesterday that there have been rooms in Bombay which fetch a rent of Rs. 3-8-0 and Rs. 4; but he has not stated where these rooms are situated, and what is their number. For these reasons, I think that the decontrolling is necessary, because the scale of increase in rents that is proposed to be given would be quite unbearable to the poorer classes. My idea is that in Bombay rooms under Rs. 5 if they at all existed in 1916 were not many. They are very few and all the rooms in the chawls are let for rupees five or more. If my amendment is accepted and thereby an inducement is given to the landlords then in order to remain out of the clutches of the Rent Act they will voluntarily.....

The Honourable Mr. COWASJI JEHangIR : What is the inducement ?

Mr. A. N. SURVE : I am coming to that shortly. They will not increase the rent because the moment they will try to increase it they will automatically come under the Rent Act. Take for instance a room which in 1916 had the basic rent of Rs. 6. With 30 per cent. increase the rent comes to Rs. 7-5-0 and with 40 per cent. increase it will come to Rs. 8-9-0, that is to say, with 30 and 40 per cent. increases the differences between the 8 Rs. limit and these rents will be one and nine annas. For the sake of one or nine annas increase the landlord will like to.

[Mr. A. N. Surve]

remain under the operation of Rent Act. I have told this House that the landlord in consequence of the Rent Act is harrassed by bad tenants, and even in the court of law he obtains nothing more than a paper decree in order to escape persecution at the hands of bad tenants, to escape the cost of legal proceedings and in order to obtain his rent regularly and in ready cash which he seldom gets at present, he will willingly choose to remain outside the operation of the Rent Act and therefore he will himself not increase the rent. This is the inducement to which I was referring. If it is feared that in the case of rents under Rs. 5 protection will have to be given, add a proviso that the house-owner shall not increase the rent over the amount to which he will be entitled on the 31st December 1925 during the period the Rent Act will remain in operation, if he wishes his premises to remain outside the Rent Act. If a proviso to this effect is added even rooms whose rent is under Rs. 5 can obtain protection notwithstanding the decontrol of rents which I propose. It will thus appear that the decontrol will be in the interest not only of the presidency as a whole, but also in the interest of tenements whose basic rents are Rs. 5, Rs. 6 and Rs. 7, and such rooms form the bulk of the tenements in Bombay. Therefore, in the interests of the tenants I say that the landlords should be given the inducement of remaining outside the operation of the Rent Act.

Another point is that Government are under a statutory obligation, under Act XX of 1922, to build 50,000 single-room tenements for the working classes. If the rooms remain vacant, Government might think that there is no demand for these rooms. The Development Department advisory committee's report on this point is that we should wait and obtain further experience, and the Honourable the General Member has stated that the Government deliberately keep these rooms vacant. So, perhaps it may not be used as an argument in future that because there is no demand for these rooms, therefore, let us abandon the housing scheme. To have 50,000 single-room tenements is in the interest of the working classes. For these reasons, I put my amendment before the House and request that it may be accepted.

Question proposed.

Mr. D. B. ADWANI: I want information from the Honourable the General Member whether the honourable member from Bombay (Mr. Surve) is correct in stating that Government deliberately keep the rooms vacant.

The Honourable Mr. COWASJI JEHANGIR: I am not responsible for any statement made by any honourable member.

Mr. D. B. ADWANI: What I want to know is: Is that a fact?

The Honourable Mr. COWASJI JEHANGIR: Certainly.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, it is very curious that any amendment should be moved which will hit the poorest of the poor tenants who are paying less than Rs. 8 as rent, and it comes most strangely from a man who himself, as I understand it, is a champion

[Mr. J. C. Swaminarayan]

of the backward and depressed classes. Now, this amendment means that the poorest men in Bombay ought to be thrown to the wolves, ought to be thrown in the streets. If this decontrol of rent is sanctioned, what will be the result? The rents of those rooms may be increased and the people will not be able to stay. Therefore, I think when it was a question of reducing the control to Rs. 85 from Rs. 150, there was some argument in its favour. But here there can be nothing in favour of withholding protection from the poorest tenants. There must be some tenants who are paying Rs. 4 or Rs. 5 a month as rent. That is exclusively proved from the very fact that though the Development Department have reduced the rent of their rooms to Rs. 6-8-0, still they have not been filled up. So I submit to the House that these people have to be protected by the Rent Act and I think that this amendment is most unreasonable and should be thrown out.

Sir VASANTRAO A. DABHOLKAR: Sir, I do not agree with the honourable member who has preceded me and I support the amendment. The honourable member has said that the honourable mover of this amendment was doing no service to the backward community. But, Sir, from the point of view of sanitation—I am not taking a brief of the landlords on this question—but from the point of view of sanitation, I consider that the mover of this amendment is doing a great service to the backward community. If the honourable member from Ahmedabad (Mr. Swaminarayan) considers that the sanitation of the rooms where these people paying rents of Rs. 3 or Rs. 5 stay is satisfactory, I suppose he has no idea of Bombay. They live in the centre of all epidemics. To mention only one instance, in "E" Ward we have got Kamatipura and the Improvement Trust have not been able to acquire these properties which are there on account of the Rent Act. Even the municipality cannot take any action for those properties which are marked as unfit for human habitation on account of this Rent Act. I do not understand the meaning of the words "poorest" and "poorer" as used by the honourable member from Ahmedabad (Mr. Swaminarayan). The other day it was said by my honourable friend Mr. Nariman when the question of extension of the Act to three years was being considered that the poor people in the north of the Island are thrown in the streets; they have got no roof over their heads. In that case I believe that the information given by the honourable member to this House is mere exaggeration. If the tenants are thrown in the streets, they must lie in the streets, and as such we should have had at least some motor car accidents reported but we do not hear of any motor car accidents, of motors passing over them. (Laughter). But, Sir, so far as the poorer classes are concerned, is it not possible for them to pay the reduced rents of the rooms in the Development chawls? If the amendment is passed and the landlord is given an opportunity of increasing the rent, these so called poor tenants will try to go into more sanitary houses. What will be the inducement to the landlord? The inducement to the landlord will be to improve his property and build tenements on more sanitary principles. Owing to the existence of the Rent Act the landlord at

[Sir Vasantao A. Dabholkar]

present cannot improve his property because it is very difficult to eject the tenants out.

Then, Sir, coming to the question whether these people are able to pay a rent of Rs. 6. or Rs. 6-8-0, or not, much has been said to try to show that it will be hard for a millhand to pay that rent. Now, Sir, what is the income of an ordinary millhand? It is Rs. 40 a month.

An HONOURABLE MEMBER: Will he be able to get that income always or in the future?

Sir VASANTRAO A. DABHOLKAR: I am talking of the present things; I am not talking of futurity. Can a millhand with that income not pay a rent of Rs. 6, Sir? If this amendment is passed, it will do a lot of good to these millhands. There is a bad practice amongst these millhands of taking too many people as lodgers or boarders. They occupy a room and take about ten people for boarding, and supposing the rent is Rs. 10 they pay a rent of about Re. 1 each. Would the honourable member who has opposed this amendment like to encourage these people to live in a room which has no light or ventilation and which is highly insanitary thus becoming a fruitful source of all sorts of diseases? Would he like to allow such a state of things to happen or to continue in the Bombay city? It has been complained that the landlords are bloodsuckers and they bleed the tenants white. But here, Sir, I find the champions of tenants are killing many poor people by opposing the amendment which aims at removing the poor people from the most insanitary houses. In my opinion, Sir, if this amendment is passed, I think it will be a boon to the poor people and they can go and stay in more sanitary houses. So, under these circumstances, Sir, I would like to support the amendment.

Mr. S. K. BOLE: Sir, I had no intention to take part in this discussion, but owing to the bold statement of my honourable friend the champion of the landlords—I mean Sir Vasantao Dabholkar—that the millhands are earning on the average Rs. 40 a month, I am obliged to say a few words to point out that that is not so. My honourable friend here said that they earn on the average Rs. 40 per month. That is a misstatement. There are so many thousands of millhands who are earning less than Rs. 40 also and they are occupying rooms the rents of which are not more than Rs. 3 or Rs. 4. My honourable friend takes his stand on the point of sanitation. But I might point out that if the municipality has done its duty by the poor residents of Bombay, then this question would not have arisen and the poor workers who are obliged to live in insanitary chawls and in rooms which are not well ventilated would not have been obliged to do so. The municipality has not done its duty by the poor tenants, so these men are obliged to stay in such insanitary places. Under these circumstances, I think if the amendment is allowed to be carried, there will be great hardship on the poor tenants. With these words I oppose the amendment.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, I oppose the amendment. Some of my honourable friends said that those who oppose this amendment do not serve the interests of the poorer classes in Bombay. That is a matter for the people to consider.

[Mr. G. K. Mavalankar]

Now, Sir, as regards this amendment, there may be honest difference of opinion between honourable members. Some honourable members might think that if the protection is withheld under this Act in the case of a person paying rent below Rs. 8, they would give up their insanitary chawls, but there is also another danger that instead of these people going into other sanitary chawls, they would perhaps be forced to pay more rent for these very insanitary chawls, and they may be forced to continue to live there. If honourable members really desire that these poor people should go to sanitary chawls, the best course is to pull down these insanitary buildings. That is the only remedy.

Mr. J. A. KAY : Sir, I rise to support this amendment. I submit that relief should be given where it is needed. I think the House was impressed by the statement made by the Director of Development that there was absolutely no shortage of housing for the artisan classes of Bombay. If this amendment is accepted, I submit it will help to solve the problem of overcrowding and insanitary housing conditions for the working classes.

The greatest difficulty to-day is for employes to control their own housing schemes, owing to the misuse which the employes make of the advantages which they enjoy under the Rent Act. It is inconceivable to what extent the tenant employes of certain firms are misusing their rights. I have cases myself where the rents are as low as Rs. 4 and Rs. 6, and yet some 35 per cent. of the occupants were in no way connected with the employes. That is a kind of thing which should not be allowed under the guise of "protecting the tenants". This amendment will serve a very useful purpose in helping employers of labour to house their employes properly. With these remarks I support the amendment.

The Honourable Mr. COWASJI JEHangIR : Sir, I think I had better inform the House of the attitude of Government on this amendment. Government will have to oppose the amendment. We have stated from the very beginning that the policy of Government in bringing forward this legislation is to protect the labouring classes, and if they agree to this amendment, I am afraid we will have to give the go by to that principle. I may remind the honourable House that the whole bill has been framed on certain principles, and those principles are that, while Government desire to continue protection for the labouring and the lower middle classes, they do not desire to deprive the landlords of a legitimate and reasonable increase in rent. I quite realise that opinions may differ as to what is a reasonable and equitable increase in rent. We will discuss that unfortunately later on and in the meanwhile honourable members are asked to commit themselves to this amendment before they discuss the question of increases. But if the House will accept the whole principle of the bill, namely that we should continue this protection for the labouring and the lower middle classes and that at the same time we should do justice to the landlords and see that a reasonable and equitable increase is not denied to them, then I can see no grounds for accepting this amendment. Why should any particular class of landlords

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who happen to own one-room tenements have the benefit of decontrolled rents? The only argument is, that it will be to the benefit of the Development Department. I have admitted the fact on more than one occasion that to decontrol these one-room tenements will considerably improve the position of the chawls owned by Government. But I have also informed the House that Government have deliberately, in the interests of the masses, subordinated the claims of the Development Department to what they think is just and equitable in the interests of the labouring classes of Bombay. We will continue to lose on these chawls and there will be vacancies. If the Council are not prepared to face this loss, then let them vote in favour of this amendment. I have nothing further to say, but I do hope and trust that when the time comes to give an increase in rents, the House will do justice to all classes of landlords including the landlords who own one-room tenements.

Mr. J. BAPTISTA (Bombay City, North): Sir, this is rather an extraordinary amendment which has been moved by my honourable friend Mr. Surve, and my friend Sir Vasantao has supported it. I am not one of those who call these landlords blood-suckers; I call them honey-suckers. So far as my friend Sir Vasantao is concerned, I know he wants this House to give the landlords a rental which will give them a return of 6 per cent. on the capital. I hope other landlords will not copy him in that respect. But Sir Vasantao forgets that the inevitable result of high rents is overcrowding and therefore insanitation which he has denounced. You cannot increase rents without increasing overcrowding. The Honourable Member in charge of this bill seems to have the very optimistic idea that if all these people who now occupy houses at low rents are driven from those houses by high rents, they will go and occupy the Development Directorate chawls or the Improvement Trust chawls. I think he is greatly mistaken in that. If the rents are increased, overcrowding will increase. The owners of these premises are not so stupid as to drive away their tenants by putting up the rents at a figure higher than that of the Improvement Trust chawls or the Development Directorate chawls. If his argument is that this amendment will help the Development Directorate chawls, it is a mistaken and fallacious argument, and it will have no sympathy from us.

Then, Sir, I was surprised to find the honourable member Mr. Kay supporting this amendment. Apparently, the millowners think that their houses should be decontrolled altogether. The idea is to reduce wages and increase the rents, and the millowners will be happy in future. They want to reduce wages and they also want an opportunity of increasing the rents. They told us that the economic rent of the houses which they provide for their employees is Rs.8 but they are charging very much less, that is Rs. 3½ in order to induce the workers to go and occupy the rooms, and this was the inducement in 1914, 1915 and 1916. I should like to have some more specific statistics about the cost of constructing a room, because in those days the cost of constructing these rooms, which are inferior to the Improvement chawls, could not possibly be more than

[Mr. J. Baptista]

Rs. 600 per room. At 6 per cent. the rent would be Rs. 3 per month, and they are charging Rs. 3½. They are charging more than the economic rent on this basis. But, Sir, I should like to remind these millowners, when they profess that they have taken the obligation of housing their labour, that if they give them houses at low rents they also do not give them due wages. Less rents means less wages, and higher rents mean higher wages. Sir, on the whole they are not doing any good to them. And I do think that it considerably lessens the dignity of labour when the millowners say that they are dispensing charity to their employees. I should like to know what these chawls cost them? Would they open their books and tell us what the cost of these rickety chawls are? Except Mr. Wadia's chawls they are all rickety chawls. Sir, I should like to impress on the millowners that the time has gone by in England when they can mix up these two things. Not only do they look upon the housing of their employees as an obligatory duty, but they go much higher,—I have visited the large factories there—they provide actual meals at less than cost price to their employees; not only that, they provide excellent baths and washing places; not only that, they provide them playgrounds; they go even further and they provide them entertainments and even dances.

Mr. J. A. KAY: Sir, I rise to a point of order. Are these questions before the House?

The Honourable the PRESIDENT: What part do you object to?

An Honourable MEMBER: Dancing. (Laughter.)

The Honourable the PRESIDENT: The honourable member appears to be carried away by his enthusiasm for labour. The plain issue at present before the House is whether rents of Rs. 8 and under should be de-controlled or not, and what effect will be produced on the occupants of such rooms if this amendment is carried or rejected. That is the plain issue before the House at present.

Mr. J. BAPTISTA: Not the provisions of the Entertainments Act. My point was that the employers of labour in England realise their obligation to labour far more than they do in this country, and I wish to impress upon employers in this country the necessity of realising that obligation not only in words but also in deeds. That was my object: nothing more. I can assure my honourable friend Mr. Kay that I have had my say.

Now, Sir, the effect of removing the control naturally will be that all those who can charge higher rents will do so. The millowners have agreed to do so by implication in that they have moved that they should be freed from the control. They say that not only they are receiving low rents but that they are losing upon these houses, and therefore the only way to make up the loss is to allow them to have higher rents. As I have already said, higher rents mean insanitation, insanitation means disease and death, and eventually it tells upon labour and tells upon the employers of labour. This is what I want to impress upon the House.

[Mr. J. Baptista]

I am glad to congratulate the Honourable Member who is piloting this bill for having stuck strongly to the careful consideration and mature judgment so far at least as this is concerned. When we come to the increase of rents I will endeavour to prove to him that his mature judgment is a very immature conclusion. With these words, I hope this House will reject this amendment with a thumping majority.

Mr. N. N. WADIA (Bombay Millowners' Association): Sir, I am afraid my honourable friend the president of the Bombay corporation has made a serious misstatement to this House. In the first place, if he had come to me or other employers of labour who have provided housing accommodation for their workmen, he would have found out that we were not making 6 per cent., not even 5 per cent., not even 4 per cent., but about $1\frac{1}{2}$ per cent. on the capital we have laid out for the housing of our workmen. (Mr. J. Baptista: What is the cost per room?) The cost per room has varied from time to time as we built those chawls. (Mr. J. Baptista: From 1914 to 1917.) In 1914—17, including the value of the land, the cost was Rs. 900 per room. (*Interruption.*)

The Honourable the PRESIDENT: Order, order. These interruptions cannot be allowed.

Mr. N. N. WADIA: Sir, the honourable member Mr. Delves, the chairman of the Improvement Trust, will have told the House that by the terms of the Poor Person Dwelling Scheme under which that body built for our Spring Mills the Improvement Trust has allowed the mills to charge Rs. 8 for these chawls. But consistently for the last seven years, the mills have charged only Rs. 3 and not Rs. 8 as the Improvement Trust has allowed me to charge. Therefore, my honourable friend was making a misstatement when he classed millowners and landlords as honey-suckers. They were neither honey-suckers nor blood-suckers. I do not think that my honourable friend Mr. Baptista was right in using uncomplimentary language. Let us have responsible debate.

Sir, my honourable friend the General Member has stated that Government have the policy of protecting the poorer classes by getting under control all classes of housing provided for them. Sir, I have no objection if that policy is carefully maintained and carried out. But what is the policy here, Sir? What do we find in the chawls that we have built? In the first place, we have made rules in our own chawls that not more than four persons shall live in the chawls. I have got my men to inspect these chawls at night and discovered. . . .

The Honourable the PRESIDENT: I do not like to interrupt the honourable member. But I understand that there is an amendment on the list which will enable honourable members representing the mill industry to give expression fully and freely to the views they hold as regards that particular class of property. We have now drifted into a line of argument which I do not think is strictly relevant. I would therefore ask honourable members to confine themselves to the simple issue before them. Let us get on with the business so that we may expedite the work before the House. I do not wish to deprive the honourable member

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of his opportunity of addressing the House on the work of housing which the millowners have done, but that opportunity the honourable members representing that industry are sure to get in the course of the discussion of this bill. I would therefore ask that the issue before the House should be strictly adhered to.

Mr. J. BAPTISTA: Sir, I should like to raise a point of order? Is "honey-suckers" an unparliamentary expression?

The Honourable the PRESIDENT: I do not see how that is a point of order. The honourable member is entitled to express his own view. He has not appealed to the president for his ruling. The word is certainly not unparliamentary.

Mr. N. N. WADIA: I am sorry, Sir, I had to speak at length on that point. My honourable friend Mr. Baptista levelled charges against us and I am afraid I was carried away from the point in answering him. I am glad, however, that the charges laid against us are not to the point. What we feel is, if according to this amendment these houses are de-controlled it will affect dwellings put up in pre-war years, whose economic rent with increases allowed in schedule would come up to Rs. 8. I think, Sir, there could be no objection because no landlord will be able to raise more than Rs. 8 as rent, and therefore he cannot profit at all. The moment he raises it to Rs. 8 these chawls would be automatically brought under the provisions of this Act.

The only other point which I should like to notice, if you, Sir, do not consider it a digression, is the statement made by my honourable friend, Mr. Bole, that some of the mill-hands were getting small wages which he mentioned. I do not think that this is correct. The average wage paid to all our workmen including men and women per month comes to Rs. 34, weavers earn as much as Rs. 48, reelers and winding women as much as Rs. 27. Sweepers and the like get Rs. 22 to Rs. 23, so that the statement made by the honourable member Mr. Bole is wrong. I am only pointing that out as I want to correct any misapprehension that may have been caused by the remarks of my honourable friend Mr. Bole. What we feel is that if single-room tenements up to Rs. 8 rent are de-controlled, then it will not be necessary for me to ask the Honourable the General Member to accept our proposed amendment and to exclude mill-hand chawls or dwellings at all. With these words, I commend this amendment to the favourable consideration of the House.

Mr. A. N. SURVE (Bombay City, North): Sir, I have already said that this amendment will be in the interest of the working classes. They are backward in everything. They require legislation to bring them up to the level of the other classes. We were required to pass the Compulsory Primary Education Act and in order to get rid of their slums we had to legislate and bring into existence the City Improvement Trust. Now that sanitary dwellings are built, they will perhaps require a further provision also. Even the six rupees rent may be very excessive for this class, but if we see that this class is actually occupying these premises we can prevail upon Government even to lower this rent. At present the

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situation is this that all the loss arising out of vacancies is paid up out of the provincial revenues. Again, the figures which I received from the Deputy Rent Controller, which I have already placed before this honourable House do show that if the bulk of the single room tenements pay the basic rents of Rs. 5 to Rs. 8, then it is in the interest of the tenants themselves that my amendment about partially decontrolling rent should be accepted. It is not definitely stated what is the proportion of rooms having a rental of under five rupees. If there are such rooms—about which I have my doubts still—I submit that even they and all other rooms paying rents from Rs. 5 to Rs. 8 can be protected by adding a proviso that the landlords will remain free from the operation of the Rent Acts only if they will not increase the rent which they will be actually receiving on 31st December 1925, so long as the said Act remains in force.

The Honourable Mr. COWASJI JEHANGIR: Sir, my honourable friend seems to imagine that on account of the increases embodied in this bill the rents of a large number of one room tenements will exceed Rs. 8. That is not a correct fact. In 1916 there were a large number of rooms that let at Rs. 3-8-0, others were let at Rs. 4. I am informed that the average rent of one room tenements in 1916 was Rs. 4-8-0 in the city of Bombay. With the increase allowed in this bill, the rent of one-room tenements which was Rs. 3-8-0 in 1916 will only be Rs. 5-2-0, far below Rs. 8, and if you take the average Rs. 4-8-0 as the rent, it can only rise to Rs. 6-12-0 according to the increase embodied in this bill, and therefore if this amendment was passed, a large number of rooms between Rs. 5-2-0 and Rs. 8 would be decontrolled and would give the opportunity to the owners of these tenements to increase the rent far beyond the increase embodied in this bill. That is the answer to my honourable friend Mr. Surve's argument.

Amendment put

"In line 10, clause 2, for the letters and figures 'Rs. 85' substitute the following clause namely, 'Exceeds Rs. 8, but does not exceed Rs. 85'."

and lost.

Dr. M. B. VELKAR (Bombay City, South): Sir, the amendment to clause (2) of which I have given notice reads as under:—

Add one sub-clause (b) to the clause, viz:—

"Provided also that the words 'dwelling house' shall apply to premises used for schools, hospitals, maternity homes, nursing homes and charitable institutions".

But I seek permission of the House to make a slight modification by inserting the words "such other" before the word "charitable" occurring in the amendment.

Question put and leave granted. Dr. Velkar's amendment was amended accordingly.

The Honourable the PRESIDENT: The amendment will now read:

"Add one sub-clause (b) to the clause, viz:—

'Provided also that the words "dwelling house" shall apply to premises used for schools, hospitals, maternity homes, nursing homes and such other charitable institutions'."

The Honourable Mr. COWASJI JEHANGIR: I rise to a point of order. You will recollect, Sir, that at the first reading of the bill some honourable members desired to include business premises in the bill and

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you ruled that business premises were not within the scope of the bill. My honourable friend desires by this amendment to include within the scope of the bill certain classes of premises which are certainly not dwelling houses and this bill only deals with dwelling houses. He desires to include certain premises which can be called business premises, such as maternity homes, nursing homes, schools, and an extraordinary addition has been made, viz., "such other charitable institutions". I do not know what he means by "such other charitable institutions". It may mean all charitable institutions. Of course it is a very vague term which can never be allowed in a bill; and, therefore, I hold that this amendment is out of order because it goes outside the scope of the bill. An attempt to include the class of premises, which you, Mr. President, have ruled is not within the scope of the bill, is being made and I hope, Sir, that it will not be allowed.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I wish to draw the attention of the Honourable the General Member to the words "wholly or principally". If he had included merely the words "dwelling house" or "non-residential premises" without any qualification, then I could have understood his point of order and his objection, but he himself in his section does not wish to confine it entirely to the dwelling houses but wishes to add a qualification "wholly or principally". If it is any amendment, at all, it means such qualification as the House hereafter imposes. I know, Sir, that a similar amendment was proposed to be moved by me in the select committee but it was ruled out of order by the Honourable the General Member presiding over its deliberations, but apart from that I ask him to consider the wording of the section and whether on account of that qualification added to the section this proviso is not within order.

Mr. J. BAPTISTA (Bombay City, North): Sir, I should like to point out that provision is made for three classes of premises namely, wholly residential, wholly non-residential and partly residential and partly non-residential. So far as the third class is concerned the words wholly or principally, specially the word principally tries to include those premises which are used wholly for the purpose or partly. There is nothing in the Act laid down as to what should be the proportion, large or small. The proportion may be laid down by the Council to-day. But so far as these charitable institutions are concerned I do not include them in chawls but so far as the schools are concerned they may be partly business and partly residential premises. The amendment ought therefore to be allowed.

The Honourable the PRESIDENT: Honourable members are aware that the Standing Order which applies to the question now raised is Standing Order No. 8 of Chapter V, which says:

"An amendment must be relevant to and within the scope of the motion to which it is proposed."

The question under examination is whether the proposed amendment is within the scope of the bill. In order to determine that issue we have

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to examine in the first instance the principal Act which is now proposed to be amended. Sub-section (4) of section 1 of the principal Act reads as follows :

"This Act shall be in force up to the 31st day of December 1925 in respect of any premises used as a dwelling-house and up to the 31st day of August 1924 in respect of any other premises."

The original Act creates two distinct divisions, one division is dwelling-houses the protection to which was to terminate on the 31st December 1925, and any other premises which means all other premises which are not dwelling-houses up to 31st August 1924. The issue, therefore, so far as the principal Act is concerned, is perfectly clear. It distinguishes between dwelling-houses and all other premises, and the present amending bill is brought forward for the purpose of further amending that portion of the Act under which protection is to terminate on the 31st December 1925. The words are clear, viz., premises used as a dwelling-house. Viewing it from the position of the principal Act the amendment is clearly out of order. The question is whether there is anything in the amending bill itself which would justify the acceptance of the amendment as relevant to and within the scope of the bill now under consideration.

My attention has been drawn by two honourable members to the wording of clause 2 of the present bill, and that clause deals with these premises. The words there are :

"...in respect of any premises used as a dwelling-house the figures and words 1927 in respect of any premises used wholly or principally as a dwelling-house of which the standard rent, etc., etc."

My attention has been specifically drawn to the words "wholly or principally used as a dwelling house". This is an amendment of the words in the principal Act which deals with a dwelling-house only.

The question now raised is really a question of fact. Do these premises come within the definition prescribed in the Act. Whether a premises is wholly or principally a dwelling-house, and whether the various classes of premises which are mentioned in the amendment come within the words quoted is clearly a question of fact. If they are within the words of the amending section, then this amendment is redundant. The provision is already there. If they do not, then their insertion would extend the scope of the bill and are therefore out of order. So far as the point of order raised is concerned the amendment is clearly out of order.

Clause 2 as amended, ordered to stand part of the bill.

Mr. G. B. PRADHAN (Bombay and Thana Suburban District) :
Sir, I beg to move the following amendment :

"Before the proviso to sub-clause 4, of section 1, of Bombay Act II of 1918 add :

Except premises which are mortgaged with possession before the 1st of January 1918 and which had to be re-mortgaged or where the original mortgage had to be renewed with a higher rate of interest and where the mortgagee is still in possession."

My object, Sir, in moving this proviso is that it was not in the contemplation of anybody prior to the 1st of January 1918 that such a Rent Act was going to be passed to control the rents. So I have put down here 1918.

Mr. K. F. NARIMAN : Sir, I rise to a point of order. In this case, Sir, I wish to draw your attention to the words " mortgaged premises " and to the fact that mortgaged property may be partly occupied as a dwelling-house and partly for residential purposes. Since the object of the Act is not to apply at all to residential premises I should like to have your ruling whether his amendment is in order. It is not possible to divide the mortgage property, and a property that is mortgaged may be partly occupied as a shop and partly as residential premises, and in that case it would be impossible to work out a proviso of this nature. The effect of this proviso would be that the Act would be made applicable to non-residential premises also.

The Honourable the PRESIDENT : I find it difficult to follow what the amendment really is. It is not directly an amendment to the amending bill, but it proposes an additional amendment to the original Act. The point of order that the honourable member has raised is perfectly correct. We cannot in this way bring in a class of premises to which protection has ceased to have effect. Whether the House will allow the honourable member to amend his amendment, it is for the House to decide. The honourable member can ask for leave that his amendment may be allowed to be amended, and if the sense of the House is in favour of it, the amendment will be allowed.

Mr. G. B. PRADHAN : I request permission, Sir, to substitute the word " dwelling-houses " for the word " premises ". So, if the permission is granted, my amendment will read " Except dwelling-houses which are mortgaged, etc.," instead of " Except premises which are mortgaged, etc."

Amendment, by leave, amended accordingly.

Mr. G. B. PRADHAN : I wish to add this before the proviso of section 1 of the original Act because I think this amendment is absolutely necessary in view of the high rate of interest. If we look in the daily newspapers like the " Times of India," the " Bombay Chronicle " and other papers, we find that there are notices of at least two or three mortgagees advertising to sell mortgaged properties every day. Owing to the high rate of interest which prevails and because the rent is restricted, the mortgagor is not able to realise as much as he wants to pay for the interest. The result is that the mortgagors are losing their properties because of this Rent Act. But I make a distinction between a simple mortgage and a mortgage in possession. In the Transfer of Property Act when a mortgagee advances half the value for the mortgaged property, then that is considered as a safe investment. So I have taken a mortgage with possession because, I take it, that when a mortgagee enters into possession the amount which he advances is considerable and would probably be more than half the value of the property. That is the reason why I have excluded simple mortgages from this amendment. Then, I have taken the 1st of January 1918 as the date because this Rent Act came into operation on the 10th April 1918 and there may be mortgages or there may be speculations thereafter. So I have taken as the basis of my amendment the 1st day of January 1918 because at the time the mortgagors:

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had absolutely no idea that any such Rent Act was coming into operation which would restrict the return on their property then, and the net result of this Act is, as Government has borrowed at higher rates of interest, there were war bonds at 6 per cent. or so, the rate of interest went up and the mortgagors could not get a sufficient return from their properties to pay the higher rate of interest, and the ordinary rate of interest is not 9 per cent. now, but it is nearly 12 per cent. The result is that the mortgagors merely get 7 or 8 per cent. as the return on their property and they have to pay over 12 per cent. as interest to the mortgagors. They are not able to satisfy the interest charges, with the result that the mortgagors have suffered a great deal, and I have known of several cases where the mortgagors have lost their properties owing to this control being put on their properties. So I do not think that this legislation or that any legislation should be so framed that people who had absolutely no idea that this control was coming should lose their properties and those properties should pass into other hands. So I have provided two or three safeguards in my amendment. I have put down the date; I have only taken mortgages with possession; and further I have not taken into consideration mortgages where the original rate of interest continues and I have further provided.....

Mr. D. B. ADWANI: This is in my opinion an extension of the principle embodied in this Act, that is, going beyond what the amending bill provides. If that is correct, I think, Sir, that the previous sanction of the Governor General in that respect is necessary which we have not got at present.

The Honourable the PRESIDENT: I have repeatedly ruled that in the course of discussion of amendments, unless the point was something very material, I will not disallow amendments simply on the ground that previous sanction of the Governor General was required.

Mr. G. B. PRADHAN: So I was observing that I have provided three safeguards in the amendment. I have provided a date; I have merely taken mortgages with possession; and I have further provided a safeguard that when the mortgage is renewed with a higher rate of interest, then alone these buildings should be decontrolled. That is, I do not want that all the mortgaged properties in existence should be decontrolled. The Rent Act may be extended to them. But as regards mortgages which had to be renewed with higher rates of interest and where the mortgagee is still in possession, I think the Rent Act ought to be removed from those buildings, because the net result, as I have said, is that the properties of the mortgagors are passing into the hands of the mortgagees owing to the Rent Act.

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to oppose the amendment and my first objection is that the clause as it stands is bound to be vague and very difficult for construction or interpretation in the courts of law. I know, Sir, that properties can be divided into residential and non-residential for the purposes of an Act, but I do not think that a

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property for the purpose of mortgage can be divided into two compartments a part of which is to be used for residential purposes and a part for non-residential purposes. We all know that where a property is mortgaged, part of it may be occupied by an office or shop and the rest may be used for residential purposes. I do not understand how my honourable friend who is a lawyer proposes, for the purpose of this amendment, to make a division of the property into two compartments, one for residential and the other for non-residential purposes. I do not know what an amount of confusion is likely to be created in the courts of law and in the course of litigation over a clause of this nature. That is my first real objection. When we want to introduce a new clause in an Act, the first important point for the legislature to consider is that it is specific and definite; there should not be any vagueness about it, and there should not be any difficulty about its construction. This clause is bound to create a lot of difficulties and technicalities which it will be impossible for the judges and lawyers to construe, and therefore on that very ground alone the clause ought to be opposed. The proper course for my honourable friend, if he desires to give this relief, and I think he has made out some case for the giving of this relief, is to bring in a separate bill for the purpose, wherein both classes of properties would be included, so that the difficulty may be avoided. As it stands, it will be difficult to work in the courts of law. That is my objection to the amendment.

As I stated yesterday, Sir, this legislation is bound to impose a hardship upon one class and that is the landlords. Now, this is one of those hard cases, but it is not the only one of them. It is one of the many hard cases that are bound to exist among the landlords. Why should we not give relief to the ordinary landlords who have not mortgaged their property, but only give relief to those landlords who have mortgaged it? The result of introducing a clause of this nature will be that by introducing exceptions after exceptions we will remove a large percentage of the buildings from the actual operation of the Rent Act. The result will be that the Rent Act will apply only to about 20 per cent. of the properties in Bombay, because we know that a large percentage of the properties in Bombay are mortgaged, and if by this clause we are going to remove a large number of properties from the operation of the Rent Act we render the Act itself inoperative, and the fundamental object of the Act will be to a great extent defeated. I therefore hope that wiser counsel will prevail and this amendment will not be carried by this House.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I rise to support the amendment moved by my honourable friend Mr. Pradhan. I must congratulate my honourable friend Mr. Nariman for his placing before the House two facts. As a lawyer he tried to show the great difficulty that would arise in the working of the Act if the amendment were accepted. He does not want an amendment of this sort, so that lawyers may not make money at the expense of the general public. He comes now and says that he has got a lot of sympathy for those landlords who have come into trouble, and in fact he advises my friend Mr. Pradhan

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to bring in a separate bill for the purpose. But at the end he says that we should not make any exceptions, whatever the condition of the landlords may be, because it will mean that the benefit of the Rent Act which he wants to give certain people will be whittled down. I ask in all fairness if my honourable friend Mr. Nariman is right in making a difference between two classes of people, not because the one is rich and the other is poor, but because one of them happened to be rich at a certain time. Here is a landlord who has mortgaged his property, who has lost possession of his property, but because he happened to be a landlord once my honourable friend says he does not deserve our sympathy. He may be a beggar in the street although known to be a landlord once, but my honourable friend Mr. Nariman thinks that no relief should be given to him, simply because he happened to be a landlord once. Is this the way you are going to treat the people? It has been stated that the people are without employment and there is hardship all round. Well, Sir, why is that? It is all due to the want of credit in the city, and this want of credit is due to the fact that a large number of the landlords have mortgaged most of their property, and therefore nobody lends them any money; the result is that trade is being ruined and therefore unemployment is increasing. What is the root cause of all this? The root cause is lack of credit, and if my honourable friends will make enquiries among certain classes of people specially businessmen I am sure they will find out the real solution of the whole question. It has been pointed out that a large proportion of the landlords are absolutely dependent upon their property for a living; it has been also stated that the cost of living has increased, and that has affected the landlords as well and that is a position which everybody accepts. What is the condition of the poor landlords who are also equally affected by the increase in the cost of living? We know that their condition is very bad. Can these poor landlords who have mortgaged their properties and who have given over possession of their properties be called rich landlords—are these poor landlords, because they happened to be landlords once, to be treated like this. It is really unfair that honourable members who really want to show that they represent the general public as a whole should agree to this. Sir, it is not at all in the interest of the country that the people should be divided into different sections. We have been told often by this side that it is not always that Government formulate schemes, from the point of view of the public. During the discussion that has taken place over this Rent Act, we have heard member after member specially of this side saying that the mature judgment of the Government should be bowed down to, and above all to that of my honourable friend the General Member who has stuck to his mature judgment, although the select committee advised him not to stick to his own mature judgment, and I find that my friends on this side have even congratulated him on that. I hope if they are sincere they will carry on with this policy, by putting so much faith in each and every action that a member of the Government takes. With these words I support the amendment moved by my honourable friend from Thana (Mr. G. B. Pradhan).

After recess.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the amendment. I oppose it on principle. The principle is to give protection to all the tenants who are paying less than Rs. 85. If this amendment is carried, the fact that a tenant is living in the house of a landlord whose property is mortgaged will deprive him of the benefits of this bill. We cannot differentiate between tenants and tenants, between tenants who are living in the houses of people who have mortgaged their property and tenants who are living in the houses of people who have not mortgaged their property. We suppose that tenants in Bombay are not able to pay more than what they are paying at present. The Rent Act is being extended specially to benefit these people. Now, because a man happens to be the tenant of a man who has mortgaged his property, it does not follow that his earning capacity will increase. The capacity of the man remains the same whether he lives in the premises of a man who has mortgaged his property or whether he lives in the premises of a man who has not mortgaged his property. The bill has been brought forward by Government after looking into the circumstances that are prevailing in Bombay and after paying due regard to the agitation going on in Bombay in view of the wretched condition to which the tenants would be reduced if the Rent Act is removed. Government have at last been able to see that irrespective of any other circumstance the tenants who are paying less than Rs. 85 require protection. Therefore, I submit that this differentiation between properties that are mortgaged and properties that are not mortgaged should not be allowed. If we make such differentiation, everybody will try to make out a case that his property is mortgaged and thus get out of the provisions of the Rent Act. And therefore this sort of differentiation will practically nullify the benefits that would accrue as a result of this enactment. This amendment is such that it cannot be interpreted in the law courts without difficulty, and there will be different interpretations, if we have a vague section like this. The result of such a vague section will be that litigation will increase. When tenants and landlords are feeling the pinch of depression in Bombay, when unemployment is increasing and when conditions are going from bad to worse, it is not desirable that we should allow people to lose in litigation by such differentiation between properties and properties. So, I submit that this amendment is such that it should not be accepted by the House and must be thrown out.

The Honourable Mr. COWASJI JEHangir: Sir, I am sure there is really nobody in this House who does not sympathise with the intention underlying this amendment. My honourable friend desires to assist landlords who have mortgaged their premises. As I say, we all sympathise with landlords of this kind, and I would point out to the honourable House that the increases provided in this bill ought to meet the intentions of my honourable friend, the mover of the amendment. He desires that landlords who mortgaged their properties and who, on account of sad circumstances, have got to continue those mortgages at higher rates of interest, should be allowed to charge higher rents. The

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bill provides for higher rents. It provides for certain increased percentages and his request is the strongest argument in favour of the increases provided in the bill. But if my honourable friend is not satisfied with these increases for this class of landlords, he only proves that this class of landlord will increase the rents unjustifiably and we have got to prevent that. After all, tenants live in these premises and if in order to meet higher rates of interest that the landlords have to pay, they put up their rents by 100 per cent., the tenants will suffer but at the same time I may impress upon the House that the one way of meeting my honourable friend and the difficulties he has pointed out is to allow the increases of rents provided for in the bill. I am afraid Government will have to oppose the amendment.

Sir VASANTRAO A. DABHOLKAR : Sir, I rise to support the amendment moved by my friend from Thana. The Honourable the General Member has said that whatever percentages of increments are allowed in the bill must satisfy landlords. He assures us that all the increments provided for are fair and that whatever increase has been allowed will be passed by this House....

The Honourable Mr. COWASJI JEHangIR : If it will be passed, that is in your hands.

Sir VASANTRAO A. DABHOLKAR : If it is in the hands of the Council, then he must not say that we must be satisfied with whatever bases of increments are provided in the bill. Even then, what increment has he given since the year 1918 ? It hardly comes to about 45 per cent. and the rate of interest as paid by these landlords varies from six to nine per cent. and even twelve per cent. What has been the rise in the payment of interest ? Cent. per cent., and for the loss that landlords suffer for all these years, has the Honourable the General Member made any provision on the bases that he has given ? And even then he is not quite sure ; he says he leaves it to the House and in the way he has now spoken, perhaps he may after sometime say that Government may not support or may not oppose as he did in fixing the period of the Rent Act and that is the way he wishes the House to be led.

As regards the difficulty that was in the mind of my honourable friend from Bombay, South, that it will be very difficult to divide the residences and trade purposes for ascertaining the interest the landlord has to pay, as regards trade premises, the Rent Act is removed, and as such the landlord has got the benefit in respect of his properties which he lets for trade purposes. So one difficulty is removed.

Now as regards increase of rent if this amendment is passed for residences only, it will not be difficult for any competent court to take into consideration what increment should be allowed if any property is mortgaged. The honourable member from Bombay, South, has said that these are depressed times, and as such this amendment should not be accepted. What are depressed times to tenants are depressed times even to the landlords.

[Sir Vasantao A. Dhabholkar]

Another honourable member has said that every landlord mortgages his property. In these days of financial stringency and in these days of the Rent Act when the landlords are not the owners of their property, I wish that some philanthropic and wealthy citizens of Bombay would come forward to advance money on properties. It is very difficult to get any advance on the properties; perhaps this may not be known to the honourable member from Ahmedabad who said that everybody mortgages his property.

Then Sir, the other day the honourable member on my right showed to this House how the landlords have been suffering on account of the Rent Act. All their properties have been sold to the mortgagees in possession. In the year 1918 when the Rent Act was passed, we never thought that it would be continued for a period lasting for about eight years. During all these eight years, landlords got no relief from Government. This was one of the war measures and this was *the* measure that has given relief to all the people of Bombay, but landlords had no relief and as such they had to incur debts because when they could not get money sufficient for the maintenance of their families or for the education of their children, they had to exceed all their income and that is why all these properties more or less have been mortgaged. Not only that but I can point out that even some of the landlords have not been able even to pay their municipal bills and we have never heard of such a big number as 700 distress warrants served by the Bombay municipality for collecting the taxes. What is all that due to? It is all due to the Rent Act and even with all that, if the Honourable the General Member is not going to consider very sympathetically the amendment moved, I think whatever fairness or sympathy the Honourable the General Member wants to show amounts only to lip sympathy.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to oppose this amendment. If this amendment is carried by this House, the effect will be that 50 per cent. of the premises which are mortgaged will be decontrolled and the tenants living in those premises will be left to the tender mercies of their landlords and most of the suffering will be caused to the millhand population because I believe mortgaged premises belong to localities where millhands live, and it will be these poor people who will be most affected if the amendment is carried. I find in this rent bill that the Government are going to give annual percentages of increases every year 10 per cent. I do not see why further advantages should be given to landlords and I therefore hope that this Council will reject this amendment.

Mr. G. B. PRADHAN (Thana and Bombay Suburban District): Sir, my honourable friend Mr. Nariman raised the objection that the clause is so vague that law courts would find it very difficult to enforce it. I have used the words "dwelling house" in the clause. Supposing in this same building there are dwelling premises as well as business premises and if the landlord chooses to raise the rent of business premises, he may do so because the Rent Act does not apply. As regards dwelling houses I

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seek to exempt them from the control of the Rent Act. So, where is the difficulty? The courts can say what is a "dwelling house" and what is a "business premises". So I do not understand the argument of my honourable friend from Bombay as to the difficulty courts of law would have in interpreting my amendment. I submit, Sir, it is most unfair to call a man a landlord who is out of possession of his property, who has lost possession of his property and who is in the streets and who himself resides in a rented building. He has got no possession of any of his buildings and yet to call him a landlord and to say that therefore no protection ought to be given to him is not fair. I submit to this House that all the honourable members who spoke against my amendment assumed that this was intended to be in the favour of those landlords who have mortgaged their properties. When I stated my amendment to this House I said that I had provided three safeguards in this amendment and I did not wish to take into consideration mortgages which are effected after the first day of January 1918 because those mortgages have been made with open eyes. I only want to apply my amendment to those mortgages which were created before the 1st of January 1918 because I know no one dreamt that such a measure was going to come. Then the second safeguard that I have pointed out is that if the same rate of interest which was agreed upon before the 1st of January is continued then the mortgaged premises should be decontrolled, but when there is a renewal of the mortgage and the rate of interest is increased the result is that the mortgagor has to pay a higher rate of interest while the return that he gets for the property is limited. Then the third safeguard that I have provided is that where the mortgagee is still in possession. So I have excluded most of the mortgages. Mortgagees in possession are not over 20 per cent. Generally when a person advances half the cost of the property then there is no mortgage with possession. While when a mortgagee enters into possession of the properties the amount he advances is considerably more than half the value of the premises and that is the reason why I want to decontrol those premises only.

My honourable friend Mr. Nariman says that this is a hard case for which there should be a fresh legislation. But I say if in this legislation only you can protect the persons who have mortgaged their properties with possessions and renewed the mortgage with higher rate of interest, I do not know why there should be a fresh legislation.

Then my honourable friend the honourable member Dr. Velkar says that if this amendment is passed fifty per cent. of the premises will be decontrolled. I do not know whether he has taken search of the registry office. I do not know whether 50 per cent. of the properties are mortgaged with possession. And whether all these mortgages have been effected prior to the 1st of January.

My amendment is that only if all these conditions are satisfied then only these buildings are to be decontrolled. So my submission is that the increment which is laid down in the schedule will not be sufficient to satisfy the interest charges when as is well known the rate of interest has gone up by cent. ; per cent. where it was six or seven it has become

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12 or 14 now. Therefore my submission to this House is that my amendment is a reasonable one and that it will only decontrol very few premises.

Question put and lost.

Mr. G. B. PRADHAN: Sir, before I move my next amendment I request the permission of the House to delete the words " chawls or " because I apprehend some objection to these words.

The Honourable the PRESIDENT: Has the honourable member leave of the House to amend this amendment by the omission of the words " chawls or ".

Question put and leave granted.

Mr. G. B. PRADHAN: Sir, The amendment which I beg to move runs as follows:—

"Add a sub-clause (b) to section 1 (4) of Bombay Act II of 1918:—

Provided also that this Act shall not apply to dwelling-houses erected by employers of labour for housing their own employees."

Sir, really this is an amendment which ought to be moved by the millowners. The millowners made a representation to the members of the select committee and I had proposed this amendment there. Before we adjourned for tea we found that there was a tug of war between the honourable member Mr. Baptista and the honourable representative of the Bombay Millowner's Association, Mr. Wadia. The statement of the case which the millowners made was that prior to the year 1916 or so they were induced by the late His Excellency the Governor to build dwellings and chawls and for their own workmen and to rent them at a nominal rent. We have just now heard that the return that they get is not more than 1 and $1\frac{1}{2}$ per cent. It was urged that because they give those chawls to their labourers that is no reason why they should be decontrolled. The mere fact that they have built chawls for their millhands makes no difference in the wages which they have to pay them. The only advantage is that the workmen stick to the mills more. But they get no return of more than one or one and a quarter per cent. Therefore I do not see any reason why the Rent Act should be extended to these dwellings.

Question proposed.

Mr. G. I. PATEL: (Ahmedabad Millowners' Association): Sir, I rise to support the amendment and in supporting it I would like to draw the attention of this House to the original history of this matter in which millowners were indirectly compelled to build chawls for their own labourers as well as to contribute against the loss that was going to be incurred by supplying the Development chawls. I would request the House to consider this from one special standpoint that one cannot penalise one party in both ways. In order to prove my statement I would like to draw the attention of this House to one sentence which appears in the proceedings of 1920. At the time when the development scheme was launched by His Excellency the then Governor of Bombay he said:

"Furthermore they hold that it would be unjust to compel millowners to build houses for workmen unless the workmen were bound to occupy them. Finally it would be unfair to compel millowners to contribute in this way and to exempt the employers of other classes of labour from the obligation."

"Now in order to do this, it was stated at a later stage, 'in order to house the labour of Bombay 50,000 tenements were estimated at a cost

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of Rs. 5,50,00,000". Further in order to provide for these five crores fifty lakhs it was mentioned at that time that :

"It will be impossible to expect a return from the rent of these buildings which will meet the expenses incidental to the capital expenditure of this amount much less the return of a profit. According to our estimate the annual loss entailed by the scheme will amount to Rs. 13,50,000."

So, at that time to house the labour of Bombay mills it was proposed that there will be a loss of thirteen lakhs fifty thousand by investing in chawls an amount of five crores fifty lakhs. In order to meet this loss the millowners at the time were brought round to take upon their shoulders the main portion of the burden of an annual tax of 28 lakhs of rupees. It further runs, in another sentence, as follows :—

"Government propose to take power to impose a town duty not exceeding rupee one on every bale of cotton weighing 3½ cwt. which is brought into the city and island of Bombay. Assuming that the annual maximum yield of the duty of one rupee would amount to Rs. 28,00,000, etc."

So, in order to meet those charges at that time, the millowners were asked to agree to bear a major part of the burden of 28 lakhs of rupees every year with a view to make up the economic loss on rents over the building of new chawls.

Now, my case is that in the year 1920 when the original proposition was considered by this Council, it was thought proper that instead of compelling the millowners to build their chawls to house their own labour they should be asked to bear the tax. The millowners had to yield with a view to give benefit to the industrial people of Bombay and to house them adequately. Thus at that time we took upon our shoulders a great portion of this annual burden of 28 lakhs of rupees. At the time of calculating these expenses in 1920 it was stated by the then Governor of this presidency that the loss would be Rs. 13,50,000. Instead of getting from the mills Rs. 13,50,000 annually the tax yielded a larger amount. Thus several lakhs are being regularly drawn from the mills and particularly from the cotton industry with a view to meet these charges. So, my submission is that in this case we have already contributed a substantial quota during past years and are still paying every year. All the cotton mills in Bombay do pay this charge and it is an indirect charge which is borne by them in order to meet the housing of their labour. That is the first point. Then, secondly, as my honourable friend Mr. Wadia recently said, some mills have built their own chawls with a view to house their own labour. Now, the money spent in building these chawls and the original capital invested on these chawls do not realise, according to the figures that were put by the honourable member Mr. Wadia, even an interest on capital to the extent of 2½ or 3 per cent. Hence, on the one hand, the original capital which is locked up by the mills in housing their labour does not realise even an interest of 3 per cent.—which ought really speaking to be at least 6 per cent.—since a number of years. When the millowners are losing on the money they put on chawls for their labour, I think, the honourable House will agree in considering that it would be unfair to ask them to come under the provisions of this Act. We, that is, mills

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generally pay a large portion of the 28 lakhs annually on one side and on the other hand, we have to realise a meagre interest on the capital spent on our own chawls. Therefore my original request to the House was that one party should not be selected for imposing hardships from both the sides. You cannot ask the millowners to bear the burden of this cotton cess every year and to make up for the deficit, *i.e.*, the difference between the economic rents and the actual rents for rooms of Development chawls and at the same time to come under the Rent Act and to undergo all the restrictions imposed by this Act. Thirdly, if the millowners do not realise even 3 or 4 per cent. on their own chawls, and if on the other hand they have to pay a tax which is about 18 lakhs of rupees every year in making up the difference between the economic and the actual rents, I think, it would be quite unfair to expect them or to ask them to come under the provisions of this Act. Therefore, it is very clear that those people who have from the beginning built their chawls not with a view to get indirectly any kind of monetary advantage from the workmen living in those chawls, but with a view to give their labour proper houses and at the same time at cheaper rates, ought not to be asked to bear the burden of 18 lakhs of rupees every year in the form of a cess upon the cotton bales that are being consumed. To ask them to come under the provisions of this Act is, I think, quite unfair, inequitable and unjust, and I ask this House to consider the point from all these sides and determine whether it is right to ask the millowners to suffer in this way because they happen to be the capitalists in Bombay. Sir, I commend to the House that they would be good enough to accept the amendment of my honourable friend Mr. Pradhan, who asks nothing but to exclude those millowners who have provided chawls for their workmen from the Act. I think, Sir, this is a fair case in which the House ought to give justice to the proper parties. There ought not to be any prejudice between capital and labour. There ought not to be any difference of opinion in regard to this matter, as it is an impartial case and we must consider how far mills have been paying in the form of different sources of taxes, how far they have been paying again by *letting* the interest on capital in actually building the chawls and how far they are going to suffer if we are to force on them the provisions of this Act. There will be very many disadvantages to the mills if this amendment is not accepted, and therefore with a view to get proper sympathy of the whole House I support the amendment moved by my honourable friend.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to oppose the amendment. We have been given some figures to point out that the return made on capital spent by the millowners is very meagre. Sir, when the millowners build housing accommodation for their millhands, they do it in their own interest; they do not provide housing accommodation to the people at large but to their own employes. If a rich man builds a bungalow and in its compound he builds an outhouse for his servants, does he calculate the return the outhouse will make? He considers it just like a provision made for himself. Therefore, the idea underlying the expectation of a return from the houses built by the

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millowners for the mill operatives is wrong in principle. Another point is that if the millowners supply cheap houses to their employès, the latter can spend the money which they have saved in cheaper rents in eating better food, they will be better nourished and the consequence of it will be that they will give more efficient service to their employers. Consider also the strain that is put upon the mill operatives. They do not work in free and pure air. In the mills the air is humidified, and its action on the human body is very deleterious. If, in addition to the loss of health caused by working in the mills during the day, they have to live in the slums, they will die very soon. Therefore, when the millowners provide houses for their operatives, they are really doing it in their own interest, because if the operatives live longer, they will be serving them for a longer period and the millowners will not have to go in search of new labourers to replace the dead ones.

Another point is that we have heard figures about the poor return made to millowners by their chawls. Those figures may be right or wrong. I am not in a position to contradict them, but no figures have been given of the fine fund and the forfeited wages. The forfeited wages amount to several lakhs a year, and so long as the millowners do not give any account of the fine fund and of the wages which have been forfeited, I do not think they can claim any indulgence from this House. For these reasons, I oppose this amendment.

Mr. H. D. SAHEBA (Ahmedabad District) : Sir, I rise to oppose this amendment. The representative of the Ahmedabad millowners told this House that the cotton cess was paid by the mill agents in Bombay; that is certainly wrong, because it is actually paid by the agriculturists who are paid so much less on the cotton purchased. Therefore, really this sum of Rs. 28 lakhs is paid by the general taxpayer, the agriculturist, to better the conditions of Bombay. Therefore, whatever loss the millowners make on the buildings they have put up for housing their employé, it does not come from the pockets of the mill agents themselves; that loss is also shared by the shareholders. Therefore, the millowners should not be uneasy if their chawls are not decontrolled. If chawls are provided by a mill, the employés of that mill stick to that mill, and that is sufficient compensation. Therefore, I see no reason why these buildings should be decontrolled.

Mr. J. A. KAY : Sir, I rise to support this amendment. I must express my astonishment at the inconsistency of my honourable friend Mr. Surve. Only a few minutes ago, he moved an amendment to this bill decontrolling all tenements with rents of Rs. 8 and under, and now he thinks that because the millowners want an exemption for their chawls, it is all wrong. I am afraid, Sir, the motive of the millowners in asking for this exemption is misunderstood. This is not wholly a question of the millowners charging increased rents for their chawls. In point of fact, under the Act as it stands, the millowners can increase the rents up to the limit which is allowed, but as far as I know few employers of labour have taken advantage of that increase which they can charge and which they are entitled to. Perhaps my honourable friend

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Mr. Baptista, who is seldom correct with facts and figures, will tell us if that is so or not.

Mr. J. BAPTISTA : It is so.

Mr. J. A. KAY : The object of the millowners in asking for this exemption is this, that they have had considerable trouble in holding their chawls for their own purposes. It is in fact recognised in the bill itself now before the House, as Government are making provision in the bill to see that once a man ceases to be an employé of a mill, he shall vacate the tenement which he occupies. Those who have followed these housing schemes closely know perfectly well the difficulty the millowners have in keeping the chawls for their own workpeople. Cases are on record where the workpeople overhouse themselves, and cases are also on record where the mill workers have gone to the extent of subletting the tenements at a higher rental than what they are paying to their employers. That, Sir, is the reason why we ask that our chawls shall be exempt. We put them up for a certain purpose ; we put them up for housing our own workmen. They were not put up for the purpose of allowing the mill employé to sublet them at a profit. If that was permitted, the whole object of housing schemes will be defeated.

My honourable friend Mr. Baptista in this discussion raised the question of wages. I submit that the question of wages does not enter into this question at all. This exemption is necessary to the millowners, in order to enable them to secure that control over their chawls which is necessary for the welfare work which they are now doing. I therefore support the amendment.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I rise to oppose this amendment, but whilst doing it I do not think it is necessary to describe the millowners by any particular epithet, to call them blood-suckers or honey-suckers or milk-suckers ; particularly the honourable gentleman who graces this assembly has set a very noble example before the city of Bombay by providing not only for his own mills but for the whole of the mill population of Bombay the philanthropic and charitable gift of Rs. 16 lakhs. An honourable gentleman of that description is a noble example to be emulated, and I do not wish to use any epithet which is personal or insulting to the millowners. At the same time, this amendment must be opposed on principle, and the first principle is this, that whenever legislation is introduced, there ought to be as few exceptions to it as possible. As soon as you begin to make exceptions in favour of a particular class in legislation of this sort, you create legitimate grievances in another class. As soon as an exception is made in the case of a particular class of landlords, in this case the millowners, then certainly other landlords in Bombay will come before Government and say " We have got a grievance just as great as any others ; our complaint against the Rent Act has been long standing, we have been making our representations to our associations. Why show a particular favour to the millowners and not to the grain merchants' association or to any other associations ? " Such sort of arguments will be advanced. Therefore

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the principle in this legislation ought to be that there should be as few exceptions as possible, and before you make an exception you ought to make out a very, very strong case. The point for the consideration of this House is whether such a strong case has been made out to justify this exemption, which would be considered as an invidious exception by the other landlords. In my humble opinion, such a strong case has not been made out. The very fact that the millowners are pressing for this amendment, the very fact that they are very keen on having their premises exempted ought to make this House rather cautious not to grant this exemption, because the very object of asking for exemption is and could only be that they want to increase the rents. What other object could there be for asking for exemption except that they want to increase the rents that are at present paid by the labouring classes. If we allow this exemption, we will be striking at the very root of this Act. From the very beginning up till now, and particularly in introducing this bill, the Honourable the General Member has stated that the object of the Rent Act is not to protect the middle classes or the upper classes, but the poorer classes in the city of Bombay. I think, Sir, there was a stronger case for accepting the last amendment regarding mortgaged premises. When the House has thrown out a case where there was stronger reason for giving an exemption, I think consistently with that attitude the House must throw out this amendment.

Now, I want to know whether they have made out a clear case. First and foremost I want to draw the attention of the honourable members on the other side to a proviso which has been introduced in this bill and which did not exist in the old Act :

"The fact that a tenant who entered into possession of any premises by reason of his being *bona fide* in the employment of his landlord has ceased to be in his employment shall be deemed to be a satisfactory cause within the meaning of sub-section (2)."

By this proviso in the Act the abuses which the honourable members on the other side anticipated are capable of being rectified. As soon as a millhand ceases to be in the employment of the particular mill, under this proviso he cannot claim the protection of the Rent Act and continue to be a tenant. Now, there is some opposition to this proviso in the Act, because it is liable to be abused in cases of strikes and general lock out. In order to put extra pressure on the labourers the millowners might turn them out of these chawls and turn them into the streets, so that the labourers under that suffering and hardship might be pressed to return to work. That is a consideration which must be taken up when we consider that clause.

When the millowners say that they have provided these chawls for their employees and they are letting them out at a rate at which they are not able to get economic rents, may I ask them whether they are not getting some other returns, not in the shape of rupees, annas and pies, but other returns which are for the benefit of the mill industry, namely, better efficiency of labour, better organisation of labour, which follow when they provide them with chawls within short reach of their mills? They will be better controlled when they are within the reach of their own

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mills. That is one consideration. No doubt the primary consideration is the looking after the welfare of the labourers and making better provision of housing for the labouring class. But I am just pointing out that there is a return for the employers when the labourers are housed near the place of their work : there will be better organisation and better control and better efficiency. That is a return which they ought to consider for the loss in rents.

May I then put to them, that the loss of economic rent is not a suffering which they alone are suffering? The figures given by the honourable member Mr. Surve give the House an idea of the loss to Government. The Development Directorate have had to reduce their rents : there is no economic rent for them. The loss of the millowners is a private loss, but the loss of the Development Directorate is a loss to the provincial revenues and to the taxpayers in general. When the Development Department and the Improvement Trust are not getting exemption and are suffering losses, then how can millowners expect the House to make an exception in their case, particularly when we consider that private employers consider it their duty to provide their servants with outhouses for their residential purposes? Every bungalow has got an outhouse wherein the servants are provided with residential quarters without any charge and without any economic rent. In practically every bungalow in the city of Bombay there are outhouses for servants. If we take that analogy, I think it is the duty of the mills to provide outhouses without any rent for persons who are working in the mills. (An honourable member : Do you provide for the peons?) I know the peons are provided with outhouses whenever they do duty in the bungalows.

Then, Sir, I may point out that in the original Act there is a provision which guards against the abuses referred to by the honourable members on the other side. When they find that their premises are in the occupation of persons who are not entitled to occupy them they can bring that section into operation and get them ejected. Section 9 of the Rent Act says :

"Provided that nothing in this section shall apply . . . where the premises are reasonably and *bona fide* required by the landlord either for the erection of building or for his own occupation or for the occupation of any person for whose benefit the premises are held, or where the landlord can show any cause which may be deemed satisfactory by the court." I am sure if the millowners can point out to the court that the premises primarily intended for the millhands is occupied wrongfully by persons who are not entitled, they can get those persons ejected.

Therefore, considering all these circumstances, I think it would be a consistent attitude on the part of this House, since they have thrown out the last amendment, if they throw out this amendment also.

Mr. N. N. WADIA (Bombay Millowners' Association) : Sir, I rise to support the amendment moved by my honourable friend Mr. Pradhan. I do not think this House is aware of the history of housing in Bombay for the last thirty years. I remember, Sir, in 1896, when plague broke out in Bombay my late father was the first man in Bombay to take the initiative of building workmen's dwellings. In that year my firm erected about 500 rooms. Since then my firm and other employers at

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considerable expense had continued to erect such dwellings for their mills. The Government and Development Department came on the scene only five years ago. Therefore, Sir, the history of these chawls is thirty years old. This House is not aware of that. Sir, the idea was to provide sanitary buildings, and with that end in view a rule was made that no room, 12 feet by 10 feet, should contain more than one family and more than five persons. If the workmen had observed that condition, and would observe it even now, then we would not have any grounds to complain. But, Sir, I have asked our managers time after time to inspect these chawls, and what do I find? These rooms tenanted by ten persons.

I call it insanitary and unhealthy—such overcrowding—and the very purpose for which we constructed those tenements was frustrated by the action of our tenants. My honourable friend the chairman of the Bombay Municipal Corporation charged millowners with having increased rents for their tenements. I do not think he can point out many instances where this is so, because the millowners have only maintained the original rents. I will give you an instance in point. We wanted to build some buildings for our mill-hands. We approached the Improvement Trust and they in 1917 put up 500 rooms for our Spring Mills employes. The Improvement Trust secured ground under the Poor Persons Dwelling Scheme and erected chawls with 504 rooms at a total cost of Rs. 5,70,000. We paid the Improvement Trust for these rooms Rs. 28,432 for rent, interest and other charges and Rs. 11,100 for sinking fund charges or a total of Rs. 39,000. What did we obtain in rent for these 500 rooms? Only Rs. 16,285. That means that where we paid Rs. 39,000, we only obtained from our millhands as rent Rs. 16,000, I ask my honourable friend Mr. Nariman and other honourable friends who thought that we were going to raise rents for our buildings whether this fact does not prove that their complaints or fears are groundless. These chawls are primarily intended for our workmen. Let us see how our workmen use these chawls. As my honourable friend Mr. Kay has just told the House, they take lodgers and sub-tenants. I had a very curious example of that only about four or five years ago. Our mills were then working two shifts, one in the morning and the other in the evening. There was an old man who had served my mills for 25 years. He came to me and said "Saheb, I work one month morning shift and the next month the night shift. Saheb, I would like always to work in the day shift and not the night shift". I asked "Why, what is the trouble?". He replied "What will become of my wife then when I am working in the rightshift, in that room, because I have got two lodgers". I turned round to him and said "My man, I gave you that room for a rent of Rs. 3 because I wanted you to live comfortably in that room with your wife. Why did you take lodgers?". He could not reply.

Mr. J. BAPTISTA: Because his wages were low.

Mr. N. N. WADIA: I do not think my honourable friend Mr. Baptista is correct. Anyway, my object in quoting this instance was to try and

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disabuse the minds of many of the honourable members of any fear that there may be an intention on the part of millowners to increase the rents of their buildings rented to their millhands. There have been other instances, Sir, where millhands have sublet the rooms given to them by their employers and gone and lived in outside rooms with their friends or relatives, outside the millowners' chawls. For rooms let to them at Rs. 3 per room they have rented that room for as much as Rs. 10 or Rs. 11 per month. I ask you, is that fair? That is the position.....

An Honourable MEMBER: That is provided against in the bill.

Mr. N. N. WADIA: My Honourable friend says that it is all provided against. How is it provided against? By ejection?

An Honourable MEMBER: You can dismiss such millhands.

Mr. N. N. WADIA: I do not think it is fair either to eject or dismiss the men for this fault of theirs. My honourable friend, Mr. Surve says that we should not expect any return from the money invested in these buildings because we build them for our millhands in our own interest. After all, as one honourable member says these houses were built with money belonging to the shareholders and that therefore the millowners have nothing to complain of. Does my honourable friend mean that the interests of mill agents and the interests of the shareholders are separate and distinct? I do not think so. They are both very closely connected and their interests are identical. We do not care for any big return on the money invested in those buildings. What we want is that our workmen should live healthily and well and that they should live in sanitary chawls so that they can work better and be an advantage to our mills. One of the honourable members said that it is to our interest to have them properly housed. My honourable friend Mr. Delves will tell you that we provide ventilators in all our mill dwellings but the tenants block such ventilators. My honourable friend Mr. Surve says that because we use humidifiers in our mills, therefore, we are bound to provide sanitary dwellings for our millhands. As our mills are properly and well ventilated I do not think his plea holds good especially so because of the requirements of the factory legislation in existence.....

Mr. K. F. NARIMAN: Why make a special exception in the case of millowners?

Mr. N. N. WADIA: My honourable friend asks "why make a special exception in favour of millowners?" The millowners are the only employers who have provided houses for their employes and workmen and therefore they deserve exceptional treatment in a legislation of this character. That is my reply to Mr. Nariman's question.

I have been asked if millhands in case of strike will be ejected. I do not think there is any millowner base enough to take advantage of this power to that extent. Then, why make a charge of this kind against us? The honourable member Mr. Nariman said that as the Act gives that power that power would be made use of by us. I assure you, Sir,

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that we, millowners, are not so hard-hearted as to utilise that power even though it may be conceded to us by the Act.

Mr. J. BAPTISTA : All millowners are not Wadias.

Mr. N. N. WADIA : Still, I think I know human nature and I assert that no man, whoever he may be, is so ungenerous to do a thing of that nature. My honourable friend Mr. Nariman wants me, in the event of my millhands not occupying premises let to them but subletting those premises to others, to go to law-courts and apply for injunctions, but we all know what that means. Is it fair to bring into court all this body of poor people ? I again say that in the interest of humanity millowners should not be compelled to do that. I have got here figures to show what amount some of the millowners have spent on these buildings and I can prove that they are not at all making any profit on the capital that they have spent on these buildings as repairs to such chawls is a heavy item. That is the reason why I ask that chawls built by the millowners should be exempted from the operation of this Act. I would only like other honourable members from Bombay to provide chawls and residences for their employes and then they will see how we are placed. I therefore support this amendment.

Mr. M. R. JAYAKAR (Bombay University) : Sir, I rise to oppose this amendment moved by my honourable friend from Thana. I did not wish to interpose in this debate, because I hold that this unfortunate piece of legislation is one of those social evils which like a bitter pill or a bad operation ought to be swallowed and got through as quickly as possible. That is the reason why since yesterday I have not spoken. Sir, from what I know of the history of this bill and the way the Rent Act has operated in Bombay to divide people into two sharp and distinct factions, I hold the view that this bill, being a measure of necessity, ought to be got through as speedily as possible, and I have consequently been careful that I should not add by a single syllable, if I could help it, to the acrimony which prevails over this question. It ought to be settled in a calm and dispassionate way, with a single eye to public good. But my honourable friend Mr. Wadia who enjoys great reputation as a generous employer of labour, for which every body's sympathy and regard are indeed with him, has brought forward a few arguments which will be required to be carefully answered and that is my justification for taking part in this debate.

This amendment is, permit me to say Sir, extremely unfortunate, for this reason that it picks out the case of capital against labour as an exception to the ordinary landlord employing labour and wants to perpetuate that single case by having a statutory protection for it. If so put, I have great doubt how many employers of labour of the generosity of the honourable member Mr. Wadia would desire to be singled out as requiring a statutory protection. It is unfortunate from this point of view that the conflict between capital and labour should be perpetuated by means of a statutory justification. What is the case of the millowners ? I am anxious to avoid any hickering or animosity, because I know it is

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already great. All the arguments that I have heard as proceeding from the millowners come to this, and it is the whole basis of my honourable friend Mr. Wadia's argument, that being employers of labour, on a very large scale, they ought to get special statutory protection. He conceded in the course of his speech that their case was analogous in principle to that of the employers of small labour. Many of us in private life employ about 30 to 40 servants for whose well being we have to provide even in the shape of quarters. Therefore his case on principle is exactly the same as that of any private employer, except that it is great in extent and dimensions. Mr. Wadia has not unfortunately made out any grounds why merely for this circumstance they should be specially protected. As for being large employers of labour I may point out to my honourable friend that the Railways, Bombay Improvement Trust and Development Department are likewise extensive employers of labour, and if these are not claiming any special protection and if all other landlords in Bombay are willing to bear their share of this burden, I do not know on what special grounds the millowners' association can claim that they should be picked out for having a statutory protection. I appeal to the millowners and ask them what claim they make for this special protection. I can understand their case in so far as it creates greater hardship. I can understand that being large employers of labour they are less willing to allow their employés to remain in their tenements after their connection as employés has ceased. That is a very reasonable ground. Similarly, if these employés are making any profit out of their occupation of those tenements by charging more rents or by subletting in an unauthorized manner or at a profit, then that is certainly a good case against which the millowners ought to receive protection. But may I in this connection point out to my honourable friend Mr. Wadia that all these special cases of hardships have been amply protected by clause 4 which relates to the case of a tenant who entered into possession of any premises by reason of his being *bona fide* in the employmet of his landlord and has subsequently ceased to be in his employment. I was very pleased to hear from the honourable member Mr. Wadia—and he speaks for the whole of his class—that there is no millowner in Bombay so base as to take advantage of a lock-out or a strike to turn out his employés. It was an assurance with which the House would, I am sure, feel extremely satisfied and it may in that case perhaps not accept some amendments of which some honourable members have given notice. Likewise clause 4, sub-clause (5) provides that if a tenant knowingly receives whether directly or indirectly on account of the rent of any premises or any part thereof which were or was sublet prior to the 24th day of August 1922 any sum in excess of the standard rent for the whole premises or in excess of the proportionate standard rent for the part thereof so subject, this fact shall be a satisfactory cause within the meaning of sub-section (2). Another hardship is about sub-letting and this also has been provided for in this Act. Therefore, all the legitimate grievances which employers of labour share in common with other landlords have been protected. The only

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grievance which is not protected is the small harassment caused by defaulting or refractory tenants which all employers of labour suffer from. That, of course, is not protected. But that is a harassment which millowners and similar employers of labour share with all other landlords. I have no doubt that the millowners are not anxious that they should receive any special protection for this circumstance only. The case which my honourable friend referred to; viz., of tenants taking lodgers is not peculiar to millhands. Everyone who employs servants knows how many people they often bring in as lodgers into their quarters. Some nephew or mother's sister's grandson, or equally distant relation flocks to their quarters. That is our common experience, but it has its roots in the extreme poverty and the insanitary and gregarious habits of the poorer classes. There is nothing peculiar to millowners in this hardship except that the number of their employes is large. But that is hardly any ground for asking for exceptional treatment. I am particularly anxious, Sir, because I am one of those who think that capital and labour should work in harmony that the millowners should not claim any unfair or special protection in this Act. I do not want posterity to think that the employers of labour in mills wanted their case to be picked out as a special one deserving of protection although the circumstances did not justify it, and I ask the millowners to approach the situation from this point of view, and say whether it is their desire to be singled out from other landlords who have, each in his own way, to suffer from these petty harassments. For these reasons, Sir, I do hope that my honourable friend Mr. Wadia will not press his claim.

Mr. J. BAPTISTA (Bombay City, North): Mr. President. I cannot make out why my honourable friend from Thana (Mr. G. B. Pradhan) has come forward to move an amendment on behalf of the millowners of the city of Bombay. But it has raised various points which it is impossible to discuss fully in the time that one is entitled to have. I wish, however, to deal with some of the major points as briefly as possible. Sir, my honourable friend Mr. Kay has been good enough to accuse me with not being conversant with facts. Of course, I can never get those facts until the Statistics Bill becomes law. I hope the millowners will support that Bill when it is moved in this House.

Well, Sir, the second difficulty which I experience here is that those who have spoken for exemption from the provisions of this Act assure us that they do not want to raise the rents, but their great anxiety is to prevent overcrowding in insanitary areas, to prevent subletting, and to endeavour to protect the labourers' wives when their husbands are working at night in the mills. Well, Sir, I am quite sure that my honourable friend Mr. Wadia must understand that those who want it because they want protection for their wives, because Mr. Wadia says "my wife is at home". (Laughter). What he meant is, in order to take care of his wife and to relieve Mr. Wadia from the duty of protection (Laughter). But, Sir, if this is the real object and the only object which they have, namely, to prevent overcrowding in insanitary areas,

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and to prevent subletting, and things of that description, I think they have misconceived their duty. As my honourable friend has pointed out, ample protection is given to them. Their duty was to move amendments in the proper clauses for the purpose of enabling them to do what they profess they wish to do, namely, to prevent overcrowding and subletting and not to raise rents. But, Sir, I cannot help thinking that though they may not be prepared to raise the rents, it is their ultimate object. For, otherwise I cannot make out why they have dwelt at such length on figures to show that they do not get even the economic rent and that they do not get even 2½ per cent. or 3 per cent. and all that. And if they examine their own representations which they have made, they distinctly say they are now giving housing accommodation at Rs. 3 per tenement, whereas the Improvement Trust were charging Rs. 8 per tenement for their tenements. At the time when the millowners built tenements they wanted to induce labour as labour was scarce in Bombay and they built tenements for the purpose of securing labour. But is it or is it not their object, then, to raise the rents? If the object of the millowners is simply to prevent overcrowding and prevent subletting, I am quite prepared to support them in any measure that they may bring in this House for that purpose and I am quite prepared to get any abuse of the ratepayers in that connection. I am not opposed to any proposal that will prevent the abuse of the rights of tenants. Where I felt there was an abuse of the rights of tenants, I have given my full support, and I am quite prepared to give my full support if my honourable friend Mr. Wadia moves any amendment or legislative measure at the next session with the object mentioned. The only thing that he says is that they do not want to increase the rents. If so, let it be put in the bill. But, as I say, they do not wish to do so. I should like them to remember and follow the example of Government as well as of the municipality. What does Government do? They charge only 10 per cent. on the salaries of their officers. What does the municipality do? So far as their employes are concerned, though the economic rent may be Rs. 12, they charge only 12 annas or Rs. 1-4-0 for the men and 8 annas for the women. I wish, Sir, they had taken the example of large employers of labour such as the Municipality of Bombay. So far as individuals are concerned we have built houses where we charge no rent at all. I do not think that my millowner friends are really entitled to profess that they are doing a great act of philanthropy when they are charging lower rents to their employes. The lower the rents, the lower the wages. The charging of lower rents is a paying proposition. The contentment of the workmen really helps the employers and in that way they ultimately do better. Besides, Sir, the housing problem is one of the most important problems and I should like, with your permission, just to quote one paragraph from the "Working Class Budgets" collected by the Labour Office:

"The importance of housing cannot be over-stated. It is the main cause of drink and vice" according to Mr. Charles Booth; it is of all causes the most potent in the creation of morally and physically degenerate types. As the authors of "The Great Opportunity" point out "Good houses mean the possibility of home life, happiness, and health; bad houses spell aqualor, drink, disease, immorality and crime, and in the end demand hospitals,

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prisons, and asylums in which we seek to hide away the human derelicts of society that are largely the result of society's own neglect. In 1917 an enquiry was made by a Royal Commission into the causes of industrial unrest, and no less than seven out of the eight sub-committees by which the enquiry was conducted recorded their opinion that insufficient and bad house was one of the factors responsible for unrest.

In this book let me point out it is stated that 80 per cent. of the tenants occupy one-room tenements and among them the infant mortality is 666 out of a thousand. I think, Sir, the millowners ought to pay a little more deference to these facts and see what the result of low rents is. It did pay even if you look entirely upon its financial aspect or even upon the aspect of subletting their tenements to others. I am quite sure there are exceptional employers of labour like my honourable friend Mr. Wadia, who would never like to raise the rents, and I was particularly anxious not to include him among those millowners who might ask for protection, because I know he is a good employer. I have said so before, and I am saying it again in this House, that he has shown his exceptional goodness and generosity in donating 16 lakhs of rupees for starting a maternity hospital for the benefit of the millhands, which is highly appreciated.

Then, Sir, housing is an important problem. My honourable friend Mr. Wadia referred to what happened in 1896 and the Governor's asking millowners to provide housing accommodation for their own men. That is the point. Public opinion in the city of Bombay has been demanding that the employers of labour should house their labour, and public opinion was strong enough to impose that burden upon them as a legal obligation and not merely as a moral obligation. Things went so far that I remember that the Improvement Trust Act was amended for the purpose of facilitating the construction of chawls for the work people, but very few took advantage of that. The result was that it was almost decided that we should make it a legal obligation. I know Government enquired whether the millowners would be prepared to build voluntarily, and at the time of financial prosperity they were almost willing to undertake to build their chawls themselves. That would have cost them Rs. 5 crores or more. What has happened now? They preferred not to spend the Rs. 5 crores, but they preferred to have the imposition of the cotton cess so far as the cotton that comes to Bombay from up-country is concerned. But in this matter they must not forget that there is more than one reason why it was imposed. You yourself know, Sir, that you advocated the imposition of the cotton duty for the purpose of making adequate provision for the Improvement Trust, because Government provided for the improvement of Bombay by the City Improvement Trust. That is one of the aspects. What happened was this, that this duty was imposed to be divided between the municipality and the Government. What is it after all? One rupee per bale, but if they remember.....

The Honourable the PRESIDENT: Is it necessary for the honourable member to go into all these details? I do not say the honourable member is out of order, but we are prolonging the debate. I merely make a suggestion to the honourable member whether it is necessary to go elaborately into all this.

Mr. J. BAPTISTA : Therefore, I go on the assumption, Sir, that all the points that were raised can be thoroughly met. Therefore, I hope the House will vote on the amendment upon that basis.

I do not wish to say anything more. There is only one point that I should like to emphasise and it is this. We accept that there is no desire on the part of the millowners to increase the rent, but there is the desire to stop abuses on the part of the employés. We are all prepared to stop abuses, and upon that assurance and upon our desire to help them I hope the honourable member Mr. Wadia and the honourable member Mr. Kay will withdraw their opposition to the bill and their support to this amendment. I do not know why the honourable member for Thana (Mr. G. B. Pradhan) should have transgressed his limits and come to speak for the millowners of Bombay.

An Honourable MEMBER : Sir, I move for a closure.

The Honourable the PRESIDENT : I accept the closure and call upon the honourable mover to reply.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Sir, the first point which I would take up is the one raised by my honourable friend Mr. Baptista. He wanted to know why I from Thana should have moved such an amendment. Now, I am not a millowner at all, nor am I affected whether the Rent Act applies to such chawls or not, and I am in that happy position. The only reason why I have moved this amendment is that I find equity and justice are on their side. That is my only reason for moving this amendment.

Sir, the first opposition was from my honourable friend Mr. Surve. The honourable member Mr. Kay has already pointed out that one could not understand the logic of that opposition. The millowners are charging Rs. 3 or Rs. 4 as rent for the tenements that they provide for their employés, and my honourable friend Mr. Surve moved an amendment that buildings the rent of which was Rs. 8 and under should be decontrolled. That amendment was lost; and now because there is an amendment for decontrolling the tenements belonging to the millowners which are in the same category, he says "I stoutly oppose it". I at any rate could not understand the logic of that.

Then my honourable friend Mr. Jayakar, the leader of the Swaraj party, asked whether any special case had been made out. I say, yes. If the history of these buildings given out here is a true one, and I have not heard any honourable member contradicting it, if it is true that the millowners were induced to build these buildings, because Government wanted them to house their labour at cheap rates, then there is such a thing as the principle of 'estoppel'. If you induce me to spend money over any property and give me certain assurances, and if you afterwards come down and say "No, I shall claim certain privileges over the property", then there is such an equitable doctrine as the principle of estoppel. I merely moved this amendment because from the representation of the millowners it was clear that they were actually induced to spend their capital upon building chawls for their workmen, and they rented

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them to their employés at something below the economic rent. If that is so, it is certainly unfair that Government should now turn round and say "We shall also control these buildings under the Rent Act, though we have induced you to spend money over them". This is a different case from the one of persons who employ private labour.

Then it has been pointed out that there are several safeguards. It has been stated that if they find that their tenants are abusing the privileges which we have given to them and they are subletting the tenements at a profit, then there is ample provision made for that in clause 5 of this bill. If that is so, the millowners must have an army of clerks and an army of pleaders to fight out these cases in a court of law. Now, there is ample provision in Act VII of 1918 enabling the millowners to increase the rents of these chawls. They can go to the Rent Controller and say "Here are these tenants; these premises have got certain accommodation; we have spent so much capital over them, and we must have so much return", and the Rent Controller is bound to raise the rent. But what a demeaning spectacle would it be for the millowners to go before the Rent Controller and claim an increase of rent for the tenements which they provide for their workpeople! That is why the millowners say "Please save us from that". They can go to the Rent Controller and ask for increased rent and they can get it. If these premises are not decontrolled, they have got the remedy in their own hands. They can go to the Rent Controller and say "Please raise the rent, and they have every case for getting the increase, because it is admitted that the rents which they charge are not economic rents, and they are capable of fetching more rents. The Rent Controller cannot make a distinction between workmen's dwellings and other dwellings and he cannot say that he will not allow a fair increase. But in order to avoid that sad spectacle of a millowner standing face to face with a labourer in his mills and asking the Rent Controller to raise the rent, the only request which they make is to decontrol the tenements which they have provided for their employés. From that it does not follow that they are going to increase the rents. It is not in their interest to do it. They say "We do not wish to be controlled by this Act, because we were induced to spend money in putting up these tenements. Please do not force us into an unenviable position". So, as regards the argument of my honourable friend Mr. Baptista and my honourable friend Mr. Jayakar that there is ample provision made as regards these defaults on the part of the tenants in section 9 of the old Act as amended by clause 7 of the new bill, my submission is that the safeguards can only apply when you go to a court of law, when you file a suit of ejection; and the section merely lays down that that is a good case, and the court ought to take that into consideration. It is one thing for a man who provides accommodation for four or five private servants, and quite another thing for a man who provides 2,000 tenements for his employés, when he finds that 500 of his tenants are abusing the privileges which are given to them, to go to a court of law and get them ejected.

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Then, it has been stated that the Improvement Trust and the Development Department are suffering losses, but the Development Department are making good the losses which they are suffering by levying the cotton cess. Are the millowners allowed to impose any such tax by which they can make up the losses ?

Then, Sir, my honourable friend Mr. Baptista also said " Well you get contented labour ". Of course in the contentment of labour is the strength of the mills and in their prosperity their security and in their gratitude their best reward. But as a matter of fact we find there is hardly any contentment and there is a tussle going on between capital and labour. I am not holding any brief for capital, and I do want capital and labour to go hand in hand. I do endorse every letter of what fell from the leader of the Swaraj party that capital and labour should go hand in hand in this country. But I find that these buildings properly ought not to be controlled and therefore I have brought this amendment for the consideration of this honourable House.

The Honourable Mr. COWASJI JEHANGIR : Mr. President, we had a most interesting debate and my honourable friends have had a field day, which to a certain extent did not relate to the Rent Act. I do not desire to enter into this controversy, specially at ten minutes past six. Mr. President, when some of the honourable members asked Government as to how many days were to be occupied by Government business, the Honourable the Leader of the House very rightly said that it depended upon the honourable members opposite. And I think the debate just now has been a very good illustration of the answer.

Now, Sir, coming to the point. I am very pleased indeed to hear from my honourable friends that the object of asking that these premises should be decontrolled is not to increase the rents. I was not aware of that till this day. I was under the impression that my honourable friends thought that the rents they were charging just now were too low and that they had a strong justification for increasing them. It is possible that they have strong justification, but they have dropped that argument and they now say that the Rent Act prevents them from keeping their premises in sanitary condition and it prevents them insisting upon their tenants living in those premises alone and it prevents them from prohibiting their tenants from keeping lodgers. In short, they say, they cannot prevent overcrowding in those tenements. The honourable member Mr. Wadia has informed us that these tenements were built for the benefit of his own workmen and he desired to see his workmen getting the benefit of those tenements and not outsiders. Every one of us will sympathise with Mr. Wadia in the object he has in view. But, Mr. President, may I point out to the honourable House that the Act provides that the Governor in Council may exempt any premises or class of premises from all or any of the provisions of this Act. If Mr. Wadia will put up a good case to Government, namely that he desires to prevent overcrowding and that he is prevented from carrying out his good intentions by the provisions of this Act, Government will consider whether they cannot give him an exemption. If he can make out a case and his only object is to prevent

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overcrowding and to have sanitary premises, I can assure my honourable friend that Government will give any proposal he makes the most sympathetic and careful consideration. Will my honourable friend, therefore, be satisfied with this assurance? Provided that his demand is not for an increase of rent over and above the increase provided in this Act, Government will give the most sympathetic consideration to a request for the exemption of any premises owned by my honourable friend and by the members of the Millowners' Association, from any of the clauses of this Act. Under the circumstances, I regret Government cannot accept this amendment, but I may again assure the honourable member that Government will give very careful consideration to any proposals that the Millowners' Association may bring up under section 1 (5) of the Rent Act.

Question put and lost.

The Honourable the PRESIDENT: The next amendment is that of Mr. Wadia. It has been disposed of by the previous amendment. The next is that of Mr. Bhopatkar. My attention has been drawn to the fact that that amendment relates to clause 3. I will therefore put clause 2 to the vote before I call upon him to move his amendment.

Clause 2 as amended ordered to stand part of the bill.

Clause 3 (*Amendment of section 2 of Bom. III of 1918*).

In clause (a) of sub-section (1) of section 2 of the principal Act,

"(1) in sub-clause (i) for the words 'the schedule' the words 'schedule A' shall be substituted; "

For sub-clause (ii) the following shall be substituted, namely:—

"in the case of any premises that were first let between the first day of January 1916 and the 10th day of April 1918 the rent at which they were first let with the addition of the percentage shown in Schedule B hereto"; and

"(3) in sub-clause (iii)

(i) for the word 'twenty' the word 'ten' shall be substituted; and

(ii) after the word 'rent' where it occurs for the second time the words 'plus the percentage shown in schedule A hereto of such rent' shall be inserted."

Mr. L. B. BHOPATKAR (Poona City): Sir, I beg to move:

"Before clause 3, add:

For sub-clause (i) and (ii) of clause (a) of sub-section (2) of the principal Act, substitute:

"(i) The rent which represents nett 6 per cent. interest, exclusive of the charges for repairs and depreciation of property, municipal taxes and rates, the Income tax and charges for supervision of the property and for collection of rents and profits."

"(ii) With a view to ascertain the value of premises, each property shall be valued at the present market rates of properties."

Sir, I am not sure how my amendment will be viewed by the House in its present frame of mind; but the object which prompted me to move it was to find out a reasonable standard of rent. There is some standard of rent given in the bill and also some provisions made for an increase over that standard in accordance with the changed circumstances. But on a careful consideration of the said provisions I find that there is neither reason nor rhyme either about the standard or the rate of increase of rents. I find it to be highly empirical in character, and there is nothing contained in the bill and nothing suggested by the statement of objects and reasons, as to why the rents prevailing on a particular date should be taken to be the standard rents. Similarly, if we go to Schedules A and

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B, there are certain increases of rent proposed by the select committee. But it has failed to give any reasons as to why 30 per cent. should be allowed and why 40 per cent. should not be allowed. In these circumstances if the House really desires to hold the scales even between the tenants and the landlords concerned, the only way is to fix the standard rents in the light of the yield on capital invested in other transactions. If instead of a capitalist investing his capital in building property, he invests it in government securities or bonds, then the return he will get on the securities or bonds should be the maximum which he should expect to get from the capital which he invests in buildings, Sir, and the present rate of interest so far as the securities and bonds are concerned is six per cent. If the six per cent. is considered to be too high a rate of interest, I am prepared to bring it down to five per cent. ; but it must be somehow or other correlated with and based upon the rate of interest generally prevalent on government securities and bonds. It is evident that the six per cent. return on capital is a fair return, and if the principle that was only a few minutes ago advocated is really the principle on which the whole structure of the Rent Act Bill has been raised, namely, the principle of giving protection to tenants and also safeguarding the interests of landlords to this extent that there should be a fair return on the capital, then I submit that the six per cent. interest will not be too high a return on the capital which landlords may invest or might have already invested in erecting buildings. From what has been stated above it is needless for me to say that the money which landlords would have to spend for repairs and depreciation of property, also for municipal taxes and rates, income tax and as charges for supervision of property for collection of rents and profits should be excluded while arriving at 6 per cent. In other words, the rents should be so fixed as to give the owner six per cent. clear return on capital invested. You will find that in the second clause in order to ascertain the value of premises I have provided that each property shall be valued at the present market rates of properties. Here I anticipate an objection to the effect that it would be well-nigh impossible to assess the value of properties which we are told exceeds 40,000. But that has got to be faced if we really desire to mete out justice to both the parties concerned. Sir, for the last two days much is made of a man's poverty and illiteracy. I am definitely of opinion that a poor and illiterate man should be protected; but that does not necessarily mean that an intellectual and a rich man should at every turn be mulcted either by way of reducing abnormally his rents to which he is justly entitled, or by way of some additional disqualification.....

The Honourable Mr. COWASJI JEHANGIR: That is the principle of the Rent Act Bill.....

Mr. L. B. BHOPATKAR: Yes, that is exactly true, but that should be taken as subject to the necessary limitation of a fair return on capital invested. If at all justice is to be done to the parties concerned, I do maintain that while on the one hand the tenant should be amply protected, on the other, the landlord should not be left to the tender

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mercies of the tenant. If such a happy mean is to be struck, then it is absolutely necessary on the part of the Government to make the necessary provisions for the valuation of all properties which are in existence at present and so fix the rentals as to ensure clear 6 per cent. thereon. I quite realize that it will take some time, but it should be done, it has got to be done in order to secure the ends of justice. With these remarks I leave the amendment entirely in the hands of this honourable House.

Question proposed.

The Honourable Mr. COWASJI JEHangIR: This amendment, Sir, is tantamount to wiping out the Rent Act. My honourable friend might just as well move the rejection of the whole bill. If he does not want it, let him go and vote against the whole bill. It is no use inserting a clause of this sort which will raise the standard rents far higher than provided for in the Act, far higher than what is paid ordinarily in Bombay city or what is likely to be ever paid in that city. My honourable friend desires that the landlord should get a net six per cent. I do not know what he really means by "net". He desires that "net" should be understood to mean that this six per cent. should be exclusive of charges for repairs and depreciation of property, municipal taxes and rates, income tax and charges for supervision of property and for collection of rents and profits. The landlords may raise their rents by 100 per cent. or 200 per cent. or more under this provision. Then he desires that Government should set up a machine in order to fix the market value of property. Market values vary every six months or every year. They go up and down. Besides, now-a-days the market value of a property is fixed on the rent, but my honourable friend wants to reverse the order and wants the rent to be fixed on the market value of every property. The proposition is extremely impracticable, although the intention of my honourable friend may be excellent. It is unworkable as it will raise the standard rent to an amount which no landlord desires to get, and which no landlord dare ask for in Bombay. Therefore it is futile to discuss the amendment and I would ask my honourable friend the mover to withdraw it notwithstanding his excellent intentions.

Mr. D. R. PATIL (East Khandesh District): Sir, I oppose the amendment proposed by my honourable friend Mr. Bhopatkar. When he began his speech he stated that he would anticipate opposition and he very rightly anticipated that opposition. With one hand we are extending sympathy to tenants and with the other we shall be depriving the poor tenants of the advantages that they would derive from the present provisions of the bill if we accept the amendment. I think it would not be right on the part of any member here to deprive these poor tenants of those advantages which would accrue to them by the passing of this bill. My honourable friend says that his amendment would be a happy mean. I say that it would be a very unhappy mean, not a happy mean at all, and if we have regard to the various complications which would result on account of details of accounts from inserting this amendment in the bill, I think we would be only troubling

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the poor tenants beyond measure, and therefore I think that the honour-ble mover of the amendment will be pleased to withdraw his amendment according to the very right suggestion by the Honourable the General Member.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, I think what my honourable friend, the General Member, said is perfectly right. My honourable friend, Mr. Bhopatkar, appears to have moved his amendment in ignorance of the difficulties which have been pointed out by the Honourable the General Member. I ask my honourable friend Mr. Bhopatkar to withdraw his amendment.

Mr. L. B. BHOPATKAR (Poona City): Sir, in deference to the wishes of my leader, Mr. Jayakar, I beg leave to withdraw my amendment.

Question put and leave granted.

The Honourable the PRESIDENT: Consideration of clause 3 will stand over till the schedule is discussed.

Clause 4 (amendment of section 9 of Bom. II of 1918).

(1) In sub-section (3) of section 9 of the principal Act after the word "premises" wherever it occurs the words "or any part thereof" shall be inserted.

(2) after sub-section (3) of the said section the following shall be inserted, namely:—

"(4) the fact that a tenant who entered into possession of any premises by reason of his being *bona fide* in the employment of his landlord has ceased to be in his employment shall be deemed to be a satisfactory cause within the meaning of sub-section (2).

(5) The fact that a tenant knowingly receives whether directly or indirectly on account of the rent of any premises or any part thereof which were or was sublet prior to the 21st day of August 1922 any sum in excess of the standard rent for the whole premises or in excess of the proportionate standard rent for the part thereof so sublet shall be a satisfactory cause within the meaning of sub-section (2).

(6) Nothing in sub-section (1) shall apply in the case of any premises in the city of Bombay which have been specially certified for the purposes of this Act by the municipal commissioner for the city of Bombay to be in a ruinous or dangerous condition, and in respect of which notice under section 354 of the City of Bombay Municipal Act, 1888, has been issued by the said commissioner to the owner or occupier of the said premises."

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move the following amendment:

"Delete sub-clause (4) and renumber clause (5) as (4)."

Sub-clause (4) reads as follows:—

"The fact that a tenant who entered into possession of any premises by reason of his being *bona fide* in the employment of his landlord has ceased to be in his employment shall be deemed to be a satisfactory cause within the meaning of sub-section (2)."

The object underlying the amendment is that labour should not be at the mercy of the employers. Big strikes are very common in Bombay and if the millowners have the power of turning out the operatives who go on strike or are kept in lock-out on *bona fide* disputes about the wages or conditions of labour then this clause will provide a very powerful weapon to the employers which it is not desirable in the present state of affairs to give. For this reason I have proposed this amendment and I commend it for the acceptance of this House.

Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I rise to oppose this amendment. In view of the explanation given by the honourable member Mr. Wadia that it is not their wish nor is it their intention to take advantage of this clause during strikes or lock-outs and to eject their tenants and as it has been pointed out by the honourable member the leader of the Swaraj party that it is in the interest of the tenants in general, I think it would be a very great mistake to delete this clause. I do not think any more words are required in support and I therefore suggest that this clause should be rejected.

Mr. S. K. BOLE: Sir, I rise to support the amendment moved by my honourable friend Mr. Surve. I think he is right when he says that when the clause is there it would be made use of during the days of strikes and lock-outs. The honourable member Mr. Wadia and some mill-owners may not of course make use of this clause, but when the clause is there there is every likelihood that it will be used as a weapon against the poor workmen and that during the time of strike they would be forced to yield to the terms of the millowners. I therefore support the amendment.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I rise to oppose the amendment. It should not have been brought forward after the explanation and the expression of our intention by my honourable friend Mr. Wadia. At every stage we have proved our *bona fides* and notwithstanding this such amendments are moved. But the movers of such amendments ought to remember that they are thereby practically embittering the connection between capital and labour. I would like to point out that any employer who severs his connection with his employees ought to have sufficient convenience when necessary to engage another lot of employees. Under these circumstances when our intentions have been clearly stated it is not necessary that such amendments should be accepted.

Mr. G. A. THOMAS: Sir, I move a closure.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I can point out to this House that this addition was quoted by the honourable member Mr. Baptista as a very good addition and as an answer to some of the arguments raised by the honourable member Mr. Wadia. Now honourable members cannot turn round and delete it. I am afraid the honourable member Mr. Surve did not follow the discussion, otherwise he would not have moved this amendment.

Question put and lost.

Dr. M. B. VELKAR (Bombay City, South): Sir, I beg to move:—

"In sub-clause 2 of clause 4, item 4, after the words 'within the meaning of sub-section (2)' add the words 'Provided the provisions of the clause do not take effect for two months if there is a dismissal during a general strike or lock-out.'"

Sir, in support of this amendment I want to say that the original clause as it stands in this bill would give very extraordinary powers in the hands of the landlords. It would be a weapon in the hands of the landlords to break the back of their employees if they go on a general strike. If they

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go on strike they would dismiss them and the very next day they would force them either to come back to work or to leave the premises. I therefore say that these extraordinary powers should not be given to the landlords. My amendment therefore comes as a sort of compromise between Mr. Surve's amendment and the clause in the bill. I admit that some consideration ought to be shown to the landlords who have built buildings for their employees but then it should be in a modified form. I say in my amendment that this provision will not come into effect for two months if there is a dismissal during a general strike or lock-out. Strike is a weapon of the weak against the powerful rich. Strikers will go on strike as it is their birth right against powerful employers and the strikers ought therefore to be given some protection. The provisions of this particular clause should not take effect for two months, and after that if the strike goes on the landlords should have power to eject them. I therefore hope that this Council will accept my amendment.

- Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I oppose this amendment on almost the same grounds as those stated in connection with the previous amendments. I do not think this amendment is necessary.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to support this amendment, although I agreed with the Honourable the General Member and I was going to oppose the last amendment moved by my honourable friend Mr. Surve and that opposition is quite correct. The provision is necessary. Where we have an employer who is also a landlord, he should be in a position to have his employees evicted after the employment ceases. That stands to reason. But at the same time it is necessary when we are legislating that we should make such provision whereby an Act of the legislature is not liable to be abused. I take the assurance of the honourable member who represents the Millowners' Association that no millowner is likely to be or will be so base as to take advantage of this Act to evict his employees with a view to put an end to a strike, and I might say that if he were making an authentic statement on behalf of the Millowners' Association in consequence of a resolution passed by the Millowners' Association, it would have been more satisfactory to this House. But when we are legislating, Sir, for three years, I do not think it right for us to take any risk. To put it more plainly, if we err, we should err on the safe side. Suppose, Sir, there is a strike, and we know the employers of labour are anxious to put an end to the strike, sometimes for the benefit of the labour itself and sometimes for their own interests. It is quite possible, Sir, that there may be instances where in the case of a general strike this clause may act detrimentally to the interests of the employees and particular advantage to the employers of labour. As the mover of the last amendment stated if it were a case of 30 or 40 labourers, we can understand, Sir. But when it is a case of a large number of labourers, 4,000, 5,000, or even more, by virtue of this clause in the case of a general strike the employers

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would be perfectly justified according to the Act, would be perfectly justified within the powers in law, to have those persons summarily ejected. And I do not see when the power is given by law to the mill-owners why they should not exercise it for their own benefit or for the benefit of the company which they are supposed to represent, and I think there may be a question raised in the company, the majority of the directors may insist, in spite of the votes of persons like my honourable friend Mr. Wadia : Now there is a strike, why should we not exercise a legitimate power given by law no matter what the consequence will be to the labourers ? To avoid such a contingency it is necessary that we should have some sort of provision whereby the employees may not be thrown into the streets by being evicted. At the same time I do appreciate that once the employment ceases, the employee has not got any right to continue in those premises. But it should not be possible to eject the labourers all of a sudden in the case of a strike so that a strike might be decided not on the merits of a particular question but because the employees cannot afford to be in the streets. Apart from the merits of the question which may be the cause of a strike, it would be an abuse of the provisions of the law. Therefore, in order to avoid such a contingency I submit that a provision like this is necessary. If the House considers two months too long a period, I hope, Sir, there may be an amendment, because even after the expiration of any such period the ordinary processes of law will have to be gone through in order to get an ejection. I realise that. Therefore, I would not mind reducing the period to the extent of even one month, but we must provide against a sudden dishousing of a large population, as apart from the question whether it is right or wrong, it is a question which may affect law and order. I know it will be appreciated by the Government benches that it is a very serious situation if a large number of labourers are thrown out of employment to the extent of thousands. What will be the position of the city of Bombay, particularly of the northern part, when thousands of labourers are thrown out of employment and dishoused at the same time ? It will be very difficult to control such a situation either by the police or by the general public. I think sometimes such situation may arise and I hope the amendment will be carried.

Mr. S. K. BOLE : I rise to support the amendment. We are told Sir, to accept the word of the millowners in this case. But when we are passing an enactment, I do not see any reason why we should depend upon the word given by anybody. The thing is this, to-day my honourable friend Mr. Wadia is the Chairman of the Millowners' Association, but who knows who will be the chairman in the future ? And the other thing is that all the millowners are not members of the Mill-Owners' Association. Then, where is the guarantee that all the millowners will abide by the word given by the honourable member Mr. Wadia ? For these reasons I think the safeguard is quite necessary.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Mr. President, I rise to oppose this amendment. My reasons briefly

[Mr. G. B. Pradhan]

are these. Now, here is a section as regards ejection suits. When you wish to eject a tenant, there is such a provision under the Transfer of Property Act as a notice. A fifteen days' notice is necessary unless there is a custom or contract to the contrary and this must be a notice ending with the month. Within a month you cannot go to a civil court. Some time must elapse before you go to a civil court because the employees do not become trespassers, because they cease to be employees; they are tenants all the same. They get into those premises as tenants. Because they are out of employment they do not become trespassers, but they continue as tenants. They are monthly tenants. The custom in Bombay is that there must be a clear one month's notice for vacating. So if there is a strike even on the first of the month, immediately you must give a notice. That notice expires after a month. Then some time must elapse before you can go to a civil court. Then some time must elapse before you get a decree, and you take some time to execute that decree. And if there is a broken period, it will take still further time because you may not give notice on any date in a month and you can give notice only on the first day of the next month. So then, if there are so many safeguards, I cannot for a moment understand why such an amendment is at all necessary. The section provides that this would be a good cause for an ejection decree, and all these things which I have mentioned are necessary, so that this amendment is unnecessary and I oppose it.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I rise to oppose the amendment. The chief ground for this is that when the connections between the employers and employees are severed there ought to be reasonable limits between both. Two weeks are sufficient in my opinion to meet the difficulty in case there is no settlement of a strike. Secondly, my honourable friend Mr. Pradhan has clearly explained the legal difficulties which will carry this matter for over three months or four months to get it settled, and if before that time the strike is settled, then the cost of the suit and the pleader's bill, etc., are wasted. Such measures are in the interests of assisting litigation. In the case of every strike which portends to be rather a long one the employers will have to give notice immediately in order to safeguard their interests. On the contrary, it puts the employers on the wrong scent, and it would create a situation which would be always in the form of having watchful people to serve notices whenever there is the least strike.

MOULVI RAFIUDDIN AHMAD: Sir, I move for a closure.

The Honourable the PRESIDENT: I accept the closure.

Dr. M. B. VELKAR (Bombay City, South): Sir, I do not understand why this amendment of mine should be opposed. My amendment shows special consideration to the landlords. My amendment does give power to the landlords to eject their employees in case they cease to be in their employment. I only ask that on extraordinary occasions such as strikes, the clause should not take any effect for at least two months. Sir, these are days of labour legislation, and I want to draw

[Dr. M. B. Velkar]

the attention of Government to the fact that the Central Government are contemplating legislation for the protection of labour, and as such it is the duty of this Government to give protection to labour, and I hope Government will accept my amendment.

The Honourable Mr. COWASJI JEHangIR: Sir, I must oppose this amendment. We have considered it in select committee, and the majority of the select committee could not see their way to accept it. My honourable friend Mr. Pradhan has very clearly pointed out that the provisions of the ordinary law which have to be followed will take two months and over before an ejectment can be obtained, and therefore this amendment is unnecessary. It only exhibits a certain amount of suspicion which I do not think is justified after the remarks made by the chairman of the Millowners' Association. Why complicate this clause unnecessarily? Leave it as it is, because you are assured that the millowners if they are so determined cannot eject an employé immediately they dismiss him in case of a strike or lockout.

Question put. House divided. Ayes, 35; Noes, 53. Amendment lost.

Division No. 12

Ayes.

ABDULPURKAR, Mr. N. A.
ANGADI, Mr. S. N.
BHOFPATKAR, Mr. L. B.
BOLK, Mr. S. K.
DESAI, Rao Sahab D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
HAJI ABDULLHA HAROON
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
LALLJEE, Mr. HOOSAINBHOY A.
MAVALANKAR, Mr. G. K.
MERTA, Dr. M. M.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.

NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
PATEL, Mr. D. N.
PATEL, Mr. D. R.
POWAR, Mr. M. B.
PUNJABAH THAKERSI, Mr.
SAREBA, Mr. H. D.
SARDESAL, Mr. S. A.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes: Dr. M. B. VELKAR and Mr. K. F. NARIMAN.

Noes.

ABDUL LATIF HAJI HAJBAT KHAN, Mr.
ABERCROMBIE, Mr. J. R.
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFI UDDIN
BARBER, Mr. K. W.
BREDREKAR, Khan Bahadur I. M.
BHURORI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
DABHOLKAR, Sir VASANTRAO A.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
FERNANDEZ, Dr. COSMAS
FRANZI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAHUK.

GRANTHAM, Mr. V. A.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCHE, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPEE, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOL, Khan Sahab KARIMBAKSH
JEHANGIR, the Honourable Mr. COWASJI
KAT, Mr. J. A.
KAZI INAITULLAKHAN
KRUPHO, Mr. M. S.
LAGHARI, HAJI FAZUL MUHAMMAD KHAN
LALJI NARANJI, Mr.
LALUBHAI SAMALDAS, the Honourable Mr.

Nees—contd.

LAWRENCE, the Honourable Mr. H. S.	PRADHAN, Mr. G. B.
MONTGOMERIE, Mr. A.	RAHIMTOOLA, Mr. HOOSENALLY M.
MOUNTFORD, Mr. L. J.	SAYED GHULAM NABI SHAH
MUKHI JETHANAND PRITAMDAS	SAYED MUHAMMAD KAMIL SHAH
OWEN, Mr. A. C.	THAKOR of Amod, the
PAHALAJANI, Mr. B. G.	THAKOR of Kerwada, the
PAINTER, Mr. H. L.	THOMAS, Mr. G. A.
PATEL, Mr. G. I.	TURNER, Mr. C. W. A.
PATHAN, Khan Bahadur JAN MAHOMED	WADIA, Mr. N. N.
KHAN	WILES, Mr. G.
PATHAN, Mr. A. F. I. K.	WOODS, Mr. E. E.
PETCHE, Mr. F. W.	

Tellers for the Nees: Mr. G. I. PATEL and Mr. LALJI NARANJJI.

The Honourable the PRESIDENT: The Council will now adjourn to 2 p.m. on Wednesday, the 29th July 1925.

Wednesday, the 29th July 1925.

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 29th July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ABERCROMBIE, Mr. J. R.
ADDYMAN, Mr. J. R.
ADWANI, Mr. D. B.
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dnr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH

JAYAKAR, Mr. M. R.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.
 JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHRO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LAGHARI, HAJI FAZUL MUHAMMAD KHAN
 LALJI NARANJI, Mr.
 LALJEE, Mr. HOOSEINBHOY A.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.

SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Amod, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

EXPENDITURE ON PRIMARY EDUCATION.

* Mr. S. N. ANGADI (Belgaum District): (a) In view of the reply given during the last session of the Legislative Council that the money received from the Entertainments Duty Act was expended on increased provision for primary education (*vide* page 1114, Volume XI, Council Debates), will Government be pleased to state on which of the following sub-heads of primary education that money was spent, and how much of it on each of those sub-heads:—

- (i) Government primary schools;
- (ii) Direct grants to non-Government primary schools;
- (iii) Grants to local bodies for primary education?

(b) On what items detailed in the White Budget Book under each of the abovementioned three sub-heads was the money spent and how much on each item?

(c) Were these amounts in addition to those already provided in the Budget for 1923-24 (White Book, pages 141 and 142)?

The Honourable Mr. B. V. JADHAV: (a), (b) and (c) Since appropriations from particular sources of revenue towards particular objects of expenditure are not allowed under our system of accounts, it is not possible to say which particular items of expenditure were met from the receipts of the Entertainments Duty. All that can be said is that the expenditure on primary education in 1923-24 exceeded that in 1922-23 by a sum exceeding the receipts from the Entertainments Duty.

Mr. S. N. ANGADI: Am I to understand that if the Entertainments Duty Act had not been passed the expenditure for the year 1923-24 would have been just the same as for the year 1922-23?

The Honourable Mr. B. V. JADHAV: No.

CONSTRUCTION OF BUILDINGS NEAR GOVERNMENT HOUSE AT KIRKEE.

* Mr. W. S. MUKADAM (on behalf of Mr. L. B. BHOPATKAR (Poona City)): Will Government be pleased to state whether it is a fact that under Military Secretary to His Excellency the Governor's letter No. 458, dated 7th July 1920, addressed to the Consulting

* This question was asked at the meeting held in October 1924, when an *ad interim* reply was given.

Surveyor to Government of Bombay and under Government Resolution No. 3107, dated 25th October 1921, the construction of buildings within a mile of the Government House and its compound at Kirkee, without His Excellency the Governor's previous sanction, is prohibited ?

(b) If the reply to the above be in the affirmative, will Government be pleased (1) to specify the cases in which such permission or sanction was given or refused, the dates on which such sanction was given or refused, and the names of persons, villages and survey number affected in each case ;

(2) to state whether the above letter No. 458 of the Military Secretary to the Governor dated the 7th July 1920 and the Government Resolution No. 3107 of 25th October 1921 were published in the *Government Gazette* or in any newspapers for the information of the public ; and

(3) to state whether the above restrictions are in accordance with the Land Revenue Enactments and Rules made thereunder ? If not, under what law have those restrictions been imposed ?

(c) Will Government be pleased to state whether it is a fact that permission was granted to one Mr. Peter Luis to erect a building in survey No. 21, pot No. 2 of Bopodi, on 22nd June 1921 but refused to one Mr. Mandevdas V. Sugandhi to erect a building on the same survey No. 21 in spite of the fact that his land was nearer to the public road than that of Mr. Peter Luis's land and that he had to arrange with no other occupant for access to his land ?

(d) If the reply to the above be in the affirmative, will Government be pleased to state the reasons why permission was refused to Mr. Mandevdas V. Sugandhi ?

The Honourable Mr. LALUBHAI SAMALDAS : (a), (b) and (c) Already replied.

(d) There were no special circumstances for refusal. Mr. Sugandhi has now been given permission to erect buildings on his plot in consultation with the Consulting Surveyor to Government.

Rao Saheb D. P. DESAI : Will permission be given to others if they apply ?

The Honourable Mr. LALUBHAI SAMALDAS : If applications are received, the matter will receive due consideration.

TRANSFER OF TALATIS IN EAST KHANDESH.

* Mr. D. R. PATIL (on behalf of Mr. L. S. CHAUDHARI (East Khandesh District) : Will Government be pleased to state—

(a) The number of talatis in East Khandesh who have been at present appointed for villages including their own native place ?

(b) For how many years they have been posted in their native places ?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

(c) From how many villages applications for the transfer of the talatis have been received by the Collector of East Khandesh during the last two years ?

(d) How many talatis have been transferred on account of such applications ?

(e) Whether one of the grounds urged in these applications was that the talatis had been in their own villages for more than five years ?

(f) Were any inquiries made in connection with these applications ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Sixty.

(b) Two to ten years.

(c) Thirteen. The applications were received by the Prant Officers and not by the Collector.

(d) Nine.

(e) Yes, in six applications.

(f) Yes.

Mr. D. R. PATIL: What is the result of the enquiry ?

The Honourable Mr. LALUBHAI SAMALDAS: As a result of the enquiries, six were transferred. In other cases there were not sufficient grounds for transfer.

DIRECTLY RECRUITED DEPUTY COLLECTORS.

Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state—

(a) the names, caste or creed, educational qualifications, and the year of appointment of the deputy collectors recruited directly in Sind and in the presidency proper during the last 10 years or from the commencement of such recruitment whichever may be possible; and

(b) how many of these were from the Hindu backward communities in the Central Division and in the Southern Division ?

The Honourable Mr. LALUBHAI SAMALDAS: (a) A statement* giving the names, caste or creed, educational qualifications and the year of appointment of deputy collectors directly recruited in the presidency, including Sind, since the commencement of such recruitment, is placed on the Council table.

(b) Five.

Khan Bahadur D. B. COOPER: Why has the recruitment been stopped since 1923 ?

The Honourable Mr. LALUBHAI SAMALDAS: Because it was thought that the vacancies should be filled by promotions.

WATER SUPPLY AT DAKORE.

† Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether Dakore in the Kaira district is classified

* Vide Appendix No. 52.

† This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

as a pilgrim centre; if so, will Government be pleased to state whether they have constructed water works there?

(b) If the answer to (a) is in the negative, the reasons therefor?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) and (b) Dakore is classified as a pilgrim centre. No water works have hitherto been constructed there by Government, but Government are at present investigating the question of water supply. The honourable member's attention is also invited to answers given by Government to the questions put by the honourable member for the Indian Merchants' Chamber at the last meeting of the Legislative Council.*

Rao Saheb D. P. DESAI: How long will Government take to investigate this question?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: It is difficult to give the exact time.

Rao Saheb D. P. DESAI: When I asked a similar question before, the reply was given that Government were investigating the question, and now also the same reply is given. That is the reason for my asking how long it will take Government to investigate the matter.

(No answer.)

GRANT-IN-AID TO SCHOOLS IN AGENCY AND INDIAN STATE TERRITORIES.

† Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) to how many schools located in Agency and Indian State jurisdiction grants-in-aid are given by Government;

(b) the names of the towns in which such schools are situated; and

(c) the amount of grant-in-aid given to each of these schools?

The Honourable Mr. B. V. JADHAV: The accompanying statement† gives the information required so far as schools aided by the Bombay Government are concerned.

Rao Saheb D. P. DESAI: The statement includes aids given to schools in Baroda State. Is Baroda such a poor State as to require British aid in education?

The Honourable Mr. B. V. JADHAV: The fact is there. The honourable member may draw any conclusion he likes.

Rao Saheb D. P. DESAI: Is it the policy of Government to aid the Baroda State in carrying out its educational programme?

The Honourable the PRESIDENT: Next question. The Honourable Minister does not seem inclined to reply.

The Honourable Mr. B. V. JADHAV: Sir, I am not in a position to give a reply at this time.

* Vide Vol. XIV, page 799.

† This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

‡ Kept in the Secretary's office.

The Honourable the PRESIDENT : Honourable Members and Ministers are entitled to ask for notice if they are not in a position to give a prompt reply. They need not take up the time of the Council in making up their minds as to what reply to give.

MOULVI RAFIUDDIN AHMAD : May I ask the Honourable the Minister whether any schools in British India receive similar assistance from States ?

The Honourable Mr. B. V. JADHAV : If I get notice, I will find that out.

HIGH LEVEL CAUSEWAY OVER THE TAPTI.

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state—

(1) whether they are aware that a lakh of rupees has been budgetted to be spent during the current year over the high level causeway over the river Tapti between Dhulia and Shirpur ;

(2) how far the work has progressed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(1) There is a provision of Rs. 1 lakh in the current year's Budget for a causeway at Savalda (between Dhulia and Shirpur).

(2) The work has not been started. The plans and estimate for it have not yet been received but are expected shortly. As soon as they are received and sanctioned the work will be commenced.

ANNEWARI OF CROPS IN SINDKHEDA TALUKA IN WEST KHANDESH.

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state—

(1) what is the lowest annewari of the cotton crop in the Sindkheda taluka this year and in what villages ?

(2) of the 166 villages in that taluka, in how many villages is the cotton crop either four annas or less than four annas ?

(3) whether they are aware that the current year is a year of scarcity in that taluka ?

(4) whether they are aware that the rabi crop is also damaged in that taluka on account of excessive cold that prevailed between 15th and 25th January 1925 ?

The Honourable Mr. LALUBHAI SAMALDAS : (1) The lowest annewari was less than one anna in the following 15 villages, viz. :—

(1) Suraya, (2) Warul, (3) Chowgaon Budruk, (4) Chorgaon Khurde, (5) Mandal, (6) Mhasarde, (7) Chudane, (8) Karle, (9) Parsole, (10) Akkalkos, (11) Kewad, (12) Kalwade, (13) Sonshelu, (14) Kharde Bk., (15) Kholaja.

(2) 97.

(3) No.

(4) Yes.

Mr. S. S. DEV : Were not these 15 plus 97, in all 112, villages entitled to suspension of revenue ?

The Honourable Mr. LALUBHAI SAMALDAS: Cotton crop was not the only crop grown. Other crops were grown over a large area and the crop was varying from six to twelve annas.

COMMITTEE ON PRIMARY TEACHERS' PAY.

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

(1) whether the report of the committee appointed to consider the question of revision of the scale of pay of the primary school teachers has been published?

(2) if not, why not?

(3) will it be submitted to the Council during this session?

(4) if not, what are the reasons for the delay?

The Honourable Mr. B. V. JADHAV: (1) The Committee has not submitted its report to Government.

(2) In view of reply in (1) above the question does not arise.

(3) and (4) Efforts will be made to put the report on the Council Table during this session if it is received in time to enable Government to do so.

Mr. R. G. SOMAN: Is it not a fact that the deliberations were completed in October 1924?

The Honourable Mr. B. V. JADHAV: There was a difference of opinion between the members and it was thought desirable to convene a meeting again. A meeting is now fixed for the day after to-morrow.

Mr. S. S. DEV: When was the last meeting held?

The Honourable Mr. B. V. JADHAV: On the 24th of July.

REPORT OF THE SURVE COMMITTEE.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether they have received the report of the Surve Committee on the question of the pay of primary school teachers;

(b) if so, whether they have taken any action on that report so far;

(c) if no action has been taken, whether they intend to consider the report before they hand over the management of the primary schools finally to the local boards;

(d) will they be pleased to state what the recommendations of the Surve Committee are?

The Honourable Mr. B. V. JADHAV: (a) The final report of the Committee has not been received.

(b) The question does not arise.

(c) The reply is in the negative.

(d) The question does not arise.

CAUSEWAYS OVER THE NINGAON AND ITWAL (ATRAWAL ?) NALLA.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether they are aware that there are no causeways over the Gor (Mor ?) river near Anjala, and over the Ningaon nalla and the Itwal (Atrawal ?) nalla on the Bhusawal-Yawal Road in East Khandesh;

(b) whether they are aware that there is a great passenger and other traffic on this road; and

(c) whether in view of this, they intend to construct causeways over the said river and nallas ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) Yes. The road is a district local board in East Khandesh but is maintained by the Public Works Department for the district local board.

(b) Yes.

(c) The district local board intends to construct a causeway over the Mor (not Gor) river. There are no proposals for other crossings.

MUNICIPAL TEACHERS, RANEBENNUR.

* Mr. R. D. SHINDE on behalf of Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) Whether the Ranebennur municipality gave notice under the provisions of the District Municipal Act to take back four of their teachers in 1924 ?

(b) If so, will Government be pleased to give the date of the said notice ?

(c) Whether Government have transferred the said teachers ?

(d) If not, why not ?

The Honourable Mr. B. V. JADHAV: (a) No such notice was given. The Municipality merely asked for the transfer of four Brahmin teachers.

(b) The request was made to the Educational Inspector, Southern Division, on the 25th March 1924.

(c) The answer is in the affirmative.

(d) The question does not arise.

EXCISE CRIMES IN DHARWAR CIRCLE.

Mr. R. D. SHINDE on behalf of Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) How many excise crimes have been detected in the Dharwar Circle by Inspectors and Assistant Inspectors of Excise from 1st April 1924 to 1st February 1925 ?

(b) How many of such crimes were of illicit distillation and how many were of illicit tapping ?

* This question was asked at the meeting held in February-March 1925, when an ad interim reply was given.

(c) What is the nature of the remaining number of crimes? Were they of a trivial nature?

(d) How many of all these crimes were taken to a court of law and how many of the trials ended in acquittal?

The Honourable Mr. A. M. K. DEHLAVI: (a) 45 offences were detected in the Dharwar Circle by the Inspector and Sub-Inspectors of that Circle during the period in question.

(b) Two of the above offences related to illicit distillation of liquor and none of them to illicit tapping.

(c) The remaining offences related to illicit possession and transport of liquor (20), illicit sale of liquor (5), illicit possession, transport and sale of ganja (14), illegal possession of opium (2), and illegal sale of opium (2). These offences are not of a trivial nature.

(d) All the offenders in the 45 cases referred to above were prosecuted before magistrates. In 41 cases the accused were convicted, in two cases the accused were acquitted, while in the remaining two cases the charges were withdrawn for want of sufficient evidence.

BREACH IN THE EMBANKMENT OF THE MADAG TANK.

Mr. R. D. SHINDE on behalf of Mr. S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether the "Madag" tank in the Dharwar district had its embankment or dam breached some time ago;

(b) have any attempts been made to repair the breach;

(c) if not, why not;

(d) what was the storage capacity of the said tank before the breach in the dam or embankment occurred;

(e) was this work surveyed; if so, when;

(f) (i) what was the result of the survey;

(ii) how many acres can be commanded in case the breach is repaired?

The Honourable Mr. COWASJI JEHangIR: (a) There has been no breach in the tank embankment or dam since it has come under British administration.

(b), (c), (d), (e) and (f) Do not arise in view of (a) above.

PRINTING OF LOCAL BOARD VOTERS' LISTS.

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

(a) the amount of expenditure incurred by them in accordance with G. R. No. 2277 of 30th October 1924, G. D., for printing the voters' lists for the various taluka local boards and the district local board of Kanara and the number of copies printed in each case;

(b) the number of copies of the complete electoral roll of the district local board printed by them; and

(c) if most of them are required for publishing in towns and villages why are not portions of the lists relating to particular localities prepared ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Information is being called for.

MAMLATDAR OF CHIKHLI.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) Will Government be pleased to state—

(a) whether it is the policy of Government to appoint the inhabitant of a place as an officer in the same place ;

(b) whether they are aware that the present mamlatdar of Chikhli is himself a resident of Chikhli ;

(c) whether they are aware that the Mahomedans of Chikhli requested Government to transfer the mamlatdar immediately from Chikhli ;

(d) the number of officers in the presidency appointed to their native places ;

(e) whether the present mamlatdar of Chikhli has been transferred from Chikhli after receipt of the application from the Mahomedans of Chikhli ?

The Honourable Mr. LALUBHAI SAMALDAS : (a) No.

(b), (c) and (e) Information has been called for.

(d) It would take too much time and labour to collect the information asked for.

Mr. M. D. KARKI : With reference to reply to (a), is the Honourable the Revenue Member aware that several of the mamlatdars and deputy collectors in Kanara are residents of Kanara ?

The Honourable Mr. LALUBHAI SAMALDAS : The question asks whether it is the policy of Government to appoint the inhabitant of a place as an officer in the same place, and the reply is that it is not the policy.

Mr. M. D. KARKI : How is it that there are mamlatdars who are residents of the Kanara district employed in the Kanara district ?

The Honourable Mr. LALUBHAI SAMALDAS : That is not the policy of Government, but Government may make such appointments, if necessary.

MAHOMEDANS AS DEPUTY SUPERINTENDENTS OF POLICE.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state how many deputy superintendents of police there are in each division of this Presidency, and how many of them are Mahomedans ?

The Honourable Sir MAURICE HAYWARD : A reference is requested to the Bombay Civil List.

Khan Saheb A. M. MANSURI : Is the Honourable the Home Member aware that when we ask for information we do so for the knowledge of the public at large and not for ourselves alone ?

The Honourable Sir MAURICE HAYWARD : The Bombay Civil List is available for a small sum of money to the public at large.

Mr. P. G. JOSHI : We have not been supplied with the quarterly Bombay Civil List.

The Honourable Sir MAURICE HAYWARD : I believe that for a small sum it can be purchased at the Government Book Depot. I further understand that one copy is supplied free to each honourable member, as also one copy is supplied to the library of this honourable House.

Mr. P. G. JOSHI : It is not supplied to us every quarter but only once a year in January.

The Honourable Sir MAURICE HAYWARD : I did not understand the honourable member's question aright. I understand it is supplied yearly.

MAHOMEDANS IN JUDICIAL SERVICE.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat) : Will Government be pleased to state the number of district judges, joint judges, assistant judges and sub-judges, and nazirs and clerks of the courts in each division of this presidency and how many of each class are Mahomedans ?

The Honourable Sir MAURICE HAYWARD : As regards District Judges, Joint Judges, Assistant Judges and Subordinate Judges, a reference is requested to the Bombay Civil List. Information is being obtained about Nazirs and clerks of the courts.

TEA STALL FOR MAHOMEDANS AT ELLIS BRIDGE STATION, AHMEDABAD.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state whether they are aware of the fact that there is no stall for tea or other refreshments for Mahomedan passengers at Ellis Bridge Station, Ahmedabad ?

The Honourable Mr. LALUBHAI SAMALDAS : The information has been called for.

PROPORTIONATE INCREASE IN LICENSE FEES.

* Mr. G. K. MAVALANKAR (Ahmedabad City) : Will Government be pleased to state—

(a) if the answer to my question No. 13 (d) be in the affirmative, why was a proportionate increase in the amount of license fees of

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given

Rs. 1,91,200 not recovered from the adjoining shops, when the country liquor shops of Firmadsha, Jamalpur, Delhi Gate, Bhut Amli, Salaposh and Raikhad in Ahmedabad city were closed on 18th July 1918 ?

(b) has Government revenue suffered on account of the adoption of the above procedure after the regular auction ? If so, to what extent ?

(c) whether it is a fact that the Behrampur country shop in Ahmedabad City was again re-opened on 1st January 1923 ? If so, what were the reasons for doing so ?

The Honourable Mr. A. M. K. DEHLAVI : (a) and (b) The attention of the honourable member is invited to the discussion on the resolution on this subject moved by the Honourable Rao Saheb Harilal Desaibhai Desai at the meeting of this Council held on 13th March 1919 wherein all the circumstances relating to the closure of the six shops in question were fully brought out. Government do not think it necessary to re-open the question at this stage.

(c) Yes ; the shop was re-opened with a view to relieve the overcrowding at the then existing shops, an unobjectionable site being available for the purpose.

Mr. G. K. MAVALANKAR : Was this resolution defeated by the casting vote of His Excellency ?

The Honourable Mr. A. M. K. DEHLAVI : (No reply).

LIGHTING AND CLEANING OF LLOYD BRIDGE.

* Mr. R. G. SOMAN on behalf of Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state what arrangements they have made for lighting the Lloyd Bridge at night and for keeping it clean ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : No arrangements have yet been made for lighting the bridge which was handed over to the Poona city municipality on 28th May 1925 for maintenance. The lamp posts will shortly be fixed on the parapets of the bridge. It will then be for the municipality to arrange for lighting the bridge. The necessary arrangements for cleaning the bridge will also have to be made by that body.

DISFORESTATION IN THE PANCH MAHALS.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether it is a fact that Government intend to disforest some acres of land in Panch Mahals district ?

(b) if so, how many acres of land they intend to disforest and in what taluka ?

The Honourable Mr. A. M. K. DEHLAVI : The matter is still under consideration.

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

Mr. W. S. MUKADAM : May I know how long is this matter under the consideration of Government ?

The Honourable Mr. A. M. K. DEHLAVI : I do not know whether it has been long under consideration, but it is a complicated matter and involves many issues. It will have to be fully considered.

Mr. W. S. MUKADAM : How long still will it be under consideration ?

The Honourable Mr. A. M. K. DEHLAVI : I cannot say but not very long, I hope.

Mr. H. H. NARIELVALA : Will the decision be announced to this House ?

The Honourable Mr. A. M. K. DEHLAVI : If it is thought advisable to do so, it will be announced.

BUNGALOWS FOR KARACHI PORT TRUST OFFICERS.

MUKHI JETHANAND PRITAMDAS (Eastern Sind) : Will Government be pleased to state whether it is a fact—

(a) that more than a lakh of rupees were spent on the construction of the bungalow for the Chairman of the Port Trust ?

(b) that Rs. 75,000 were spent on each of the bungalows built for the two engineers ?

(c) that the scale of expenditure on these three Port Trust bungalows is higher than that generally adopted in the case of officers of equal rank in the Public Works Department ? If so, what is the cause of this higher scale of expenditure on bungalows for Port Trust Officers ?

(d) Will Government be pleased to state whether these three Port Trust bungalows are recommended to be given free of rent to their officers by the Port Trust and whether Government charge ten per cent. of the salary of any officer as rent for any Government building provided for him ?

The Honourable Mr. COWASJI JEHANGIR : (a) (b) and (c) Inquiries are being made.

(d) The Trustees have recommended that Chairman should be granted free quarters. Government have however received no recommendation for the grant of a similar concession to the other two officers. The practice in the case of Government bungalows allotted to Government officers is that rent at ten per cent. of the salaries of the officers occupying the bungalows is charged unless the bungalows are granted rent free.

PAY OF SUB-REGISTRARS.

Mr. H. H. NARIELVALA (Broach District) : Will Government be pleased to state—

(1) why they have repeatedly refused to change the present grades of pay of sub-registrars ?

(2) the amount of approximate increase in expenditure if the sub-registrars' request to combine the two lower grades 50—3—80 and 80—5—120 into one of 50—5—120 is granted ?

The Honourable Mr. A. M. K. DEHLAVI: (1) Government do not consider that the revised pay of sub-registrars is inadequate in view of the nature of their work.

(2) The increase in the average annual cost would be about Rs. 18,000.

REPORT OF COMMITTEE ON PAY OF PRIMARY TEACHERS.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(a) whether the committee appointed by Government to consider the scale of pay of primary school teachers, and report thereon, has submitted its report;

(b) if not, when that committee is expected to submit it?

The Honourable Mr. B. V. JADHAV: (a) The reply is in the negative.

(b) It is not possible to say definitely when the report will be received.

BHUSAVAL RAILWAY STATION ENTRANCE.

* Mr. D. R. PATIL (East Khandesh District): Will Government be pleased to state—

(i) whether it is a fact that there is only one passage for all classes of passengers at the Bhusaval railway station leading to and from the platform?

(ii) whether it is a fact that the passage referred to in (i) causes inconvenience and unnecessary detention to passengers?

The Honourable Mr. LALUBHAI SAMALDAS: (i) Yes. (ii) Yes.

Mr. D. R. PATIL: As the inconvenience and unnecessary detention are admitted, is Government prepared to remove that inconvenience and detention?

The Honourable Mr. LALUBHAI SAMALDAS: Railway authorities will be written to.

Mr. W. S. MUKADAM: Will Government take proper steps to remove that inconvenience to passengers?

The Honourable Mr. LALUBHAI SAMALDAS: Yes.

Mr. D. R. PATIL: Will the Honourable the Revenue Member be pleased to write to the G. I. P. Railway to remove the source of complaint?

The Honourable Mr. LALUBHAI SAMALDAS: Yes.

THE HONOURABLE SIR CHUNILAL V. MEHTA'S VISIT TO ENGLAND.

Mr. R. G. PRADHAN (Nasik District): (a) Will Government be pleased to state for what reasons the Honourable Sir Chunilal V. Mehta has gone on leave?

(b) What will be the additional expenditure on account of his absence on leave?

* This question was asked at the meeting held in February-March 1925, when an *ad interim* reply was given.

The Honourable Sir MAURICE HAYWARD: (a) The Honourable Sir Chunilal V. Mehta was granted leave to go to England in order to consult specialists with regard to his health.

(b) Rs. 10,666-8-0.

Mr. W. S. MUKADAM: May I know what was the Honourable Sir Chunilal V. Mehta suffering from?

The Honourable Sir MAURICE HAYWARD: I am afraid I could not say.

Mr. R. G. PRADHAN: Is it a fact that the Honourable Sir Chunilal V. Mehta was invited to take part in the conversations between Lord Birkenhead and Lord Reading?

The Honourable Sir MAURICE HAYWARD: I have no information.

COMMITTEE ON PRIMARY SCHOOL TEACHERS' PAY.

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Minister of Education be pleased to state whether the committee appointed in accordance with the amendment proposed by Mr. A. N. Surve, M.L.C., and accepted by the Council, regarding the pay of primary school teachers, has concluded its deliberations and submitted its report? If so, when will the report be placed before the Council, and the Council given an opportunity to discuss it?

The Honourable Mr. B. V. JADHAV: The answer to the first part of the question is in the negative. The questions in the latter part do not therefore arise.

FAMINE IN SINDGI TALUKA.

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether they are aware that many people from Sindgi taluka in the Bijapur district have migrated from their villages to Bombay and other industrial places on account of famine?

(b) If so, will Government be pleased to state what steps they propose to take to mitigate the hardship?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) Government do not regard migrations during famine times as a hardship.

Mr. S. A. SARDESAI: May I ask whether it is impossible for Government to do something by way of redressing the grievances of these famine stricken people?

The Honourable Mr. LALUBHAI SAMALDAS: Government are doing their level best to do so.

Sir VASANTRAO A. DABHOLKAR: Is it the policy of Government not to carry on famine relief works in the districts affected by famine, but to allow the famine-stricken people to migrate to Bombay and throw the burden of housing these famine-stricken people on the landlords of Bombay by extending the period of the Rent Act?

The Honourable Mr. LALUBHAI SAMALDAS: Government always provide relief works under the Famine Relief Code whenever Government find it necessary to do so. Otherwise people should have perfect freedom to migrate to places where they can get better wages than in their villages.

Mr. S. N. ANGADI: Are Government aware that people from villages migrate to Bombay on the inducement of getting higher wages and thus spoil their health?

The Honourable Mr. LALUBHAI SAMALDAS: I do not understand what inducements the honourable member refers to.

THE DADDI CANAL.

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state how far Daddi Canal of the Ghataprabha has progressed and when it will commence working.

The Honourable Mr. COWASJI JEHangIR: The attention of the honourable member is invited to the reply given to the question put by Mr. S. T. Kambli, the honourable member for the Dharwar District, on 21st July 1925. It is not possible to state at present when the proposed Ghataprabha scheme will commence working.

Mr. S. N. ANGADI: May I know why it is not possible for Government to state when the Ghataprabha scheme will commence working?

The Honourable Mr. COWASJI JEHangIR: The final proposals are being examined by Government.

EUROPEAN VAGRANTS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) The number of European vagrants required by the Police to appear before a Magistrate during the year ending 31st December 1924?

(b) How many of them were sent by Magistrates to working men's hostels?

(c) How many of them were removed from British India at the expense of Government?

(d) Why such course is taken in the case of Europeans only?

(e) Does the Salvation Army act as the Agent of Government in this matter? If so, why?

The Honourable Sir MAURICE HAYWARD: (a) 95.

(b) 85.

(c) 21.

(d) It is not taken only in the case of Europeans. Others are removed under the Foreigners' Act, 1864.

(e) The Salvation Army manages the working men's hostel under the European Vagrancy Act, 1874, as it is the most economical and satisfactory arrangement for Government.

Mr. K. F. NARIMAN: Will Government be pleased to state whether they have made similar provision for protecting the Indian vagrants?

The Honourable Sir MAURICE HAYWARD: I do not think the honourable member intends the deportation of Indian vagrants.

Mr. K. F. NARIMAN: Is that the way Government deal with European vagrants?

The Honourable Sir MAURICE HAYWARD: I believe the question of beggar nuisance is under the consideration of Government in the transferred departments.

Mr. K. F. NARIMAN: My question is whether Government have made provisions as they have made for European vagrants for Indian vagrants?

The Honourable Sir MAURICE HAYWARD: No, Sir; Government has made no arrangements for deporting Indian vagrants.

Mr. K. F. NARIMAN: I am asking whether they have done for the Indian vagrants what they have done for European vagrants?

The Honourable Sir MAURICE HAYWARD: The honourable member asked whether similar provision was made for the deporting of Indian vagrants.

Mr. K. F. NARIMAN: I did not ask about provisions for deportation but I asked whether they have made similar provision for the Indian vagrants such as workshop, etc.

The Honourable Sir MAURICE HAYWARD: I must refer my honourable friend to the Honourable Minister in charge of Local Self-government.

Mr. K. F. NARIMAN: Will Government provide the fund if any scheme is brought forward?

The Honourable Sir MAURICE HAYWARD: It depends upon the vote of the House.

Mr. K. F. NARIMAN: Will Government support such a measure?

The Honourable Sir MAURICE HAYWARD: I refer the honourable member to the Honourable Minister in charge.

BILL NO. XIV OF 1924 (CO-OPERATIVE SOCIETIES BILL).

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move the third reading of Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay) as amended in this honourable House.

I think this is the proper moment for me to recognise and appreciate

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the spirit of co-operation which was shown by every section of the House during the passage of this bill. I must recognise that as a valuable help to Government, and if proof was needed it was amply evidenced on the vote on section 52 of the old bill, before the select committee, which now stands as 50A, when everyone noticed with pleasure Honourable Members of the Government benches and those of the Opposition going arm in arm to the lobby to vote freely as they liked.

Question proposed.

Mr. J. A. MADAN: Sir, I move:

"That the word 'or' before the word 'cash' in the 1st line of paragraph 2 of sub-clause (4) of clause 22 be deleted."

Question put and carried.

Mr. J. A. MADAN: Sir, I move:

"That in clause 31 (1) the words 'document or' in lines 1, 5 and 6 be deleted."

In the original section as it stood the copy of document or any entry was made admissible in evidence. In the clause as amended, only copy of entry is made admissible. Therefore the words 'document or' are now redundant.

Question put and carried.

Mr. J. A. MADAN: Sir, I move:

"That in clause 50 (A), line 3, substitute a comma for the full stop after the word 'debts' and change the capital T into a small 't' of the succeeding word 'the'."

Question put and carried.

Mr. J. A. MADAN: The next amendment that I beg to move, Sir, is:

In clause 55, line 2, the word "may" where it is used for the second time be deleted, and in line 8 the words "the Registrar or arbitrator or arbitrators" be deleted.

The words "the Registrar or arbitrator or arbitrators" are repeated twice, once in line 2 and again in line 8. Therefore, they are redundant.

Question put and carried.

Mr. J. A. MADAN: The next amendment which I move is:

In clause 71 (g), substitute the word "prescribe" for the word "prescribes".

Question put and carried.

Motion that Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay) be read a third time, put and carried.

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

(Further consideration of Bill No. I of 1925—Rent Acts Amendment Bill—resumed.)

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, the amendment which I beg to move is as follows:

Clause 4 (2) (6). In section 9 of Bom. II of 1918, in the select committee's sub-section 6 after the words "the municipal commissioner for the city of Bombay" and

[Mr. G. B. Pradhan]

before the words " to be in a ruinous, etc. " insert the words " and within any municipal limits by such municipality and within the limits of a notified area committee by such committee " ; after the end of the same sub-section, add " and where such notices have been issued under section 119 of the Bombay District Municipal Act or a similar section authorising the notified area committee to issue such notices to the owner or the occupier of such premises " .

The clause will read like this :

Nothing in sub-section (1) shall apply in the case of any premises in the city of Bombay which have been specially certified for the purposes of this Act by the municipal commissioner for the city of Bombay and within any municipal limits by such municipality and within the limits of a notified area committee by such committee to be in a ruinous or dangerous condition, and in respect of which notice under section 354 of the City of Bombay Municipal Act, 1888, has been issued by the said commissioner to the owner or occupier of the said premises and where such notices have been issued under section 119 of the Bombay District Municipal Act or a similar section authorising the notified area committee to issue such notices to the owner or the occupier of such premises.

Now, my submission to this honourable House is that there is a provision in the District Municipal Act which is almost similar to section 354 of the City of Bombay Municipal Act, namely, section 119. Section 119 runs thus :

(1) If any building, or anything affixed thereon, be deemed by the municipality to be in a ruinous state or likely to fall or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passengers, the municipality shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers ; all expenses incurred by the municipality under this sub-section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax, recoverable under chapter VIII.

(2) The municipality shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipality shall cause all or so much of such building or thing, as they shall think necessary, to be taken down, repaired or otherwise secured.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipality, instead of themselves causing a hoard or fence to be put up, to issue in the first instance notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the municipality consider sufficient in the circumstances of the case, the municipality shall at once cause such hoard or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Now, section 354 of the City of Bombay Municipal Act is almost to the same effect. I will read sub-section (2) first :

The Commissioner may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a foot-way for passengers outside of such hoard or fence.

Sub-section (1) is :

If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to, or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may,

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by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

So my submission to this honourable House is that in the City of Bombay Municipal Act the power is concentrated in the Commissioner alone. In the District Municipal Act it is the municipality that decides after a report from the sanitary committee is received. If in the opinion of the municipality it is decided that such a notice should be issued, it issues it. The power is reserved to the general board. So the power which is sought to be given to the Municipal Commissioner as regards ruinous buildings, I merely seek to give to the mofussil municipalities and to the notified area committees. If Government have confidence in the decisions arrived by the Municipal Commissioner in Bombay city, then they must also have confidence in the decisions arrived at by the mofussil municipalities, because, as a matter of fact, by legislation they have given that power to them. If that power is given to them, it is absolutely necessary that they should be allowed to exercise that power. In actual working we have experienced such difficulties, because oftentimes the municipal authorities are resisted, and unless such power is given under the Rent Act, it is difficult to exercise the power under section 119. My submission is that in the select committee it was agreed that this amendment should be accepted, but somehow or other it has not been included in the bill as it has emerged from the select committee.

Question proposed.

The Honourable Mr. COWASJI JEHANGIR: Sir, no other municipality has applied to Government for this amendment, and so it was not included in the bill, but my honourable friend happens to be the president of the Thana municipality, and he thinks that the Thana municipality ought to have this power and therefore Government have not the slightest objection to accepting the amendment. I think, however, that the drafting of my honourable friend will require a change. I have got another draft prepared, and I hope he will accept it. He can ask your permission, Sir, to amend his amendment according to the new draft.

The Honourable the PRESIDENT: The proper procedure would be for the Honourable the General Member to suggest it as an amendment to the amendment already moved.

The Honourable Mr. COWASJI JEHANGIR: Perhaps he will move the amendment himself. Also his second amendment requires redrafting. With your permission, I will supply the honourable member with another draft for the second part of his amendment, which will meet his requirements.

The Honourable the PRESIDENT: How much time will it require?

The Honourable Mr. COWASJI JEHANGIR: It will be ready just now. I will just explain why it is necessary to amend the amendment. In Poona it is the cantonment area that is under the Act, and it is under

[Mr. Cowasji Jehangir]

the Cantonments Act that the authorities have the right of calling upon landlords to pull down their buildings.

The Honourable the PRESIDENT: I understood the honourable member to say that the second part of the amendment still requires to be redrafted. That will take some time. My enquiry was in regard to that.

The Honourable Mr. COWASJI JEHangIR: It will take about five minutes. We can go to the next amendment in the meantime.

The Honourable the PRESIDENT: We will take it a little later on. Clause 4 will have to stand over as clause 3 has stood over. We will go to clause 5, which deals with the schedule. In the meantime, I should like to know whether the House is prepared to proceed with the consideration of clause 3 which was specially put off yesterday.

The Honourable Mr. COWASJI JEHangIR: May I point out that after you finish schedule B we can go back to clause 3 because the amendment in clause 3 refers to schedule B.

The Honourable the PRESIDENT: We have got to go to clause 5. The first amendment is by the honourable member Mr. Nariman.

Clause 5 (Schedules).—For the schedule to the principal Act the following schedules shall be substituted, namely:—

“SCHEDULE A.

[See section 2 (a) (i) and (iii).]

The additional percentage referred to in sub-clauses (i) and (iii) of clause (a) of sub-section (1) of section 2 shall be the percentage shown in column 3 and payable as therein specified, in respect of premises of the monthly rental shown in column 1 and situate in the area specified in column 2.

1	2	3
Rental not exceeding Rs. 50	In any place in which the Act is in operation.	From the 1st day of January 1926 up to and including the 31st day of December 1926 30
		From the 1st day of January 1927 up to and including the 31st day of December 1927 40
Rental exceeding Rs. 50 but not exceeding Rs. 85.	In any place in which the Act is in operation except the municipal district and cantonment of Karachi.	From the 1st day of January 1926 up to and including the 31st day of December 1926 40
		From the 1st day of January 1927 up to and including the 31st day of December 1927 50

SCHEDULE B.

[See section 2 (a) (ii).]

The additional percentage referred to in sub-clause (ii) of

[The President]

clause (a) of sub-section (1) of section 2 shall be the percentage shown in column 3 in respect of premises of the monthly rental shown in column 1 and situate in the area specified in column 2.

1	2	3
Rental not exceeding Rs. 50.	In any place in which the Act is in operation.	15
Rental exceeding Rs. 50 but not exceeding Rs. 85.	In any place in which the Act is in operation except the municipal district and cantonment of Karachi.	20

Mr. K. F. NARIMAN (Bombay City, South): Sir, the amendment that stands in my name is as follows:

Clause 5, schedule A, in column 1, delete figure "85" where they occur after the words "not exceeding" and substitute figures "150".

Sir, I cannot move this amendment, in view of the decision of the House refusing to pass a consequential amendment of a similar nature in a previous clause.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, the amendment which I wish to move is as follows:

In clause 5, column 3 of the first table of Schedule A, substitute 1928 for 1926 at the end of the first paragraph; substitute 20 for 30 in the column of percentages; and delete the succeeding paragraphs.

Sir, the Rent Act is intended to give some relief to the tenants, but that relief is taken away by the high percentages of increases that are granted to the landlords. It is impossible to conceive that the tenants will have their incomes increased in the same proportion as the increased percentages that are given to the landlords. What do these increased percentages mean? They mean that every year 10 per cent. increase in the rent will be allowed to the landlords. In the case of rents not exceeding Rs. 50, in the first year they will get 30 per cent. increase over the basic rent, in the second year they will get 40 per cent. increase over the basic rent, and in the third year they will get 50 per cent. increase over the basic rent. All this means that the tenants perhaps by some stroke of Providence will be getting more and more incomes. What we must realise is that the condition of the people is going from bad to worse on account of depression in trade, unemployment and bad times. Therefore, this increased percentage that is proposed to be given every year is quite unjustifiable. Under the old schedule they got an increase of 15 per cent. in the case of rent not exceeding Rs. 50, and 20 per cent. increase in the case of rents exceeding Rs. 50. That was for the whole period of the duration of the Rent Act,

[Mr. J. C. Swaminarayan]

Instead of that, I have proposed that 20 per cent. increase should be given in the case of rents not exceeding Rs. 50 for the whole period for which the Rent Act will be in operation. If beyond that liberal increases are given to the landlords, it will be a great hardship on the tenants. I think my amendment which proposes to give an increase of 20 per cent. which is to remain the same for three years is a reasonable one, and there should be no further increases. Then, this Rent Act will be saving the faces of the poor. Otherwise, the increases proposed in the bill will destroy the little advantages that are to be given by this Act. So, I propose the two succeeding paragraphs to be deleted. I have also proposed that in the third column the paragraph should read "From the 1st day of January 1926 up to and including the 31st day of December 1928." Instead of 1926, I put down the 31st day of December 1928, so that the 20 per cent. increase may be given for all that period of time, so that the poor tenants may not suffer a great deal.

Question proposed.

The Honourable Mr. COWASJI JEHangIR: Sir, I rise to oppose the amendment moved by my honourable friend Mr. Swaminarayan. My honourable friend has told the House that he desires to give an increase of 20 per cent. He also mentioned the old Schedule, but I do not think he made it quite clear to all honourable members that he wants to give an increase of 5 per cent. only. The old schedule gave an increase of 15 per cent. in 1923. The honourable member now proposes to change that figure 15 into 20; thereby he gives an increase of 5 per cent. and that 5 per cent. is to be for all three years. There is no sliding scale provided in his proposal. He wants landlords to be satisfied with 5 per cent. that is to say for all premises having rents from one rupee to Rs. 50. He has got another amendment for premises from Rs. 50 to 85. I am not going to deal with that amendment now. We have heard a great deal of the disadvantages that the landlords will suffer on account of the extension of this Act, and the honourable member Mr. Pradhan most graphically described the sufferings of a certain class of landlords. In reply to the honourable member Mr. Pradhan's eloquent appeal to this House to decontrol all mortgaged premises, I informed him and the House that the answer to Mr. Pradhan's criticism was the increases provided in the bill, but if the House cuts down the increases as suggested by the honourable member from Ahmedabad, there is no answer to the honourable member Mr. Pradhan's criticism of this bill, namely that one class of landlord will suffer considerably leaving aside all other landlords. I only wish to confine my remarks to these few words because I have another opportunity of addressing the House on this amendment.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to support the amendment that is proposed by the honourable member from Ahmedabad. We have very good precedents. When the Rent Act was passed in 1918 though its duration was unknown then only 10 per cent. was allowed.

[Mr. A. N. Surve]

Again last time when the Rent Act was revised a uniform increase of 5 per cent. irrespective of the duration of the Act was fixed. Now an increase of 15 per cent. for 1926 and 10 per cent. more for 1927, *i.e.*, annual increases are proposed. I think as there are precedents in favour of a uniform increase, there is no reason why we should now depart from them and give annual increases. I quite realise the object underlying the annual increment given, but you must take into account the fact that there has been unemployment. Many people have been turned out of service and they have practically lost their source of income and if, at this moment, you also give their landlords increases, I do not really see wherefrom they could meet the additional burden. The necessary consequence of such a procedure would be that there would be a tendency towards default. Big officers, whose opinions have been placed before the House, have stated that tenants did make defaults in payment. If additional increases are given the defaults will increase because the tenants have no source of income on account of bad times. Consider also the reductions in wages of the mill hands that are proposed. For these reasons I think that the increases as proposed by the bill should not be accepted. I had suggested an alternative method, namely, let inducement be given to the landlords and then they themselves would voluntarily have foregone the increases proposed by the bill, but that proposal of mine was not accepted. Therefore, there is now practically no other alternative but to say that the increases proposed should be not only small but should be uniform for the whole period.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, in view of the fact that the honourable member Mr. Nariman's amendment provides for the increase of 20 per cent. for the year 1926 and 30 per cent. in the years 1927 and 1928, and as that amendment will be a *via media* between my amendment and the percentage proposed in the schedule by the select committee, I beg leave to withdraw my amendment.

The Honourable the PRESIDENT: Before I ask the House to grant permission to withdraw this amendment, I should like to draw the attention to a little looseness that appears to have crept in in referring to other honourable members. I have heard during the last two or three days frequent reference to honourable Mr. So and So. That is a loose way of expression. The correct way of referring to honourable members is honourable member Mr. So and So.

Question is that the honourable member Mr. Swaminarayan be given leave to withdraw his amendment.

Question put and leave granted.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I propose the following amendment:

"In column 3 (clause 5, schedule A) delete figure '30' and substitute figure '20'."

Sir, all the amendments refer to the schedule together, so that the whole schedule may be considered together or you will permit one amendment after another.

The Honourable the PRESIDENT: I am quite agreeable to the suggestion which the honourable member has made, because that will curtail discussion. But I want it to be understood by honourable members that the Honourable the General Member has given notice of an amendment for the year 1928 which has now been substituted for the year 1927 given in the select committee's report, and that will be put separately. I will allow the honourable member Mr. Nariman to move his amendment but that will not be allowed to estop the amendment which the Honourable the General Member wishes to move. If it is clearly understood that no question of estoppel will be raised I am quite agreeable to accept the suggestion of the honourable member. I want the position to be clearly understood.

The basis on which the original bill was introduced allowed 30 per cent. for 1926, 40 per cent. for 1927 and 50 per cent. for 1928. As the select committee decided to extend the Act for only two years that part of the original bill which referred to the increment or the increase of rent for the year 1928 was eliminated because the Act was not proposed to apply to 1928. This House has, however, re-inserted "1928" in place of "1927" extending the period of protection by three years instead of two years. In consequence of that a consequential amendment has to be proposed of which the Honourable the General Member has given notice. Perhaps the better course would be for the Honourable the General Member to move his amendment as an amendment to that amendment; that is to say, to accept the schedule at 30, 40 and 50, so that both amendments can be disposed of at one and the same time. I should like to know what Government have to say about the suggestion.

The Honourable Mr. COWASJI JEHANGIR: Sir, it would be much more convenient if the honourable member Mr. Nariman was allowed to move all his amendments together.

The Honourable the PRESIDENT: The difficulty then will be that the House will have to vote on the honourable member Mr. Nariman's amendment which deals with both the years 1927 and 1928. After such vote the amendment of the Honourable the General Member will reopen the same issue which the House will have decided on the honourable member Mr. Nariman's amendment. I am pointing out my difficulty. What is to be the extent of increase in regard to the year 1928? If Mr. Nariman's amendment merely dealt with 1926 and 1927 then a separate amendment for 1928 could easily be moved, but his amendment includes 1928 also. That is the difficulty.

The Honourable Mr. COWASJI JEHANGIR: Sir, may I point out if the honourable member Mr. Nariman's amendment is lost, there will be no difficulty in my moving an amendment that the schedule should remain for 1928 as originally submitted to this honourable House? If Mr. Nariman's amendment is carried, that is a clear indication that this honourable House does not desire to increase the rent for 1928.

The Honourable the PRESIDENT: The Honourable the General Member has not realised the difficulty which I have tried to point out. The House will be called upon to decide the increase for 1928 twice over.

[The President]

That is the difficulty. The better procedure would be that the honourable member Mr. Nariman should move his amendment for 1926 and 1927 only, leaving 1928 to be dealt with later on by the Government amendment. Then there will be no difficulty. If the honourable member moves that for 1926 an increase of 20 per cent. be given and that for 1927 an increase of 30 per cent. be sanctioned and stops there for the present, then we will reopen the whole question about 1928 later on. That is an alternative which would be perfectly consistent. The honourable member cannot deal with 1928 on this amendment and again in connection with Government's amendment.

The Honourable Mr. COWASJI JEHangIR: Sir, I accept that.

Mr. K. F. NARIMAN (Bombay City, South): In that case, Sir, I should like to ask for your permission to amend my amendment to the effect that for 1926, 20 per cent. be given and for 1927, 25 per cent. be given, because my object is that the increase should not be more than 5 per cent. each year, and 10 per cent. for two years.

The Honourable the PRESIDENT: Certainly I will allow the honourable member to do so.

Mr. J. BAPTISTA: Sir, I should like to ask whether Government can be permitted to move an amendment about 1928 without notice.

The Honourable the PRESIDENT: Notice has already been received. I have condoned the delay in consequence of the fact that it is a consequential amendment arising out of the passing of a new clause by the House. The notice of the amendment could not possibly have been given before the decision of the House.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move:

"In clause 5, schedule A, column 3, delete the figure '30' and substitute figure '20' and in the same column of the same schedule, delete figure '40' and substitute figure '25'."

The result of it will be that at the end of 1927 the increase will be 10 per cent. instead of 25 per cent.

Now, Sir, this is another important amendment which I take it, next to the extension of the period, will occupy the attention of the House for some time. This is the last amendment a decision on which will likely put an end to a debate which has a tendency to grow acrimonious and to promote class division. For this particular reason I wish to avoid all insinuations against any party and I want to rely upon the previous records of Government as well as the municipal papers in order to prove that the previous records of the Government itself as well as the municipality and all the available statistics go to show that a 5 per cent. annual increase so far as the landlords are concerned is a fair increase, and that is an increase which the landlords themselves had asked for in a petition to the Government when the bill was introduced for the first time in 1918. When the bill was introduced in 1918 it occupied considerable attention both of the honourable non-official members and the Government benches. There were two principal questions: the first was about the period and the second was the amount of increase to be given. On

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that occasion the landlords had presented a petition—I hope honourable members who were then members of this House will support me—in which they declared that instead of the schedule as suggested by the Government in that bill, they should be given a 5 per cent. annual increase. They had supported that 5 per cent. annual increase by reference to municipal records and other references. That contention, Sir, was on that occasion opposed by the Government. The gentleman who piloted the bill was the Honourable Mr. Carmichael, but the Honourable Mr. Cadell took a prominent part in the discussion. He had taken a good deal of trouble over this question, because he was municipal commissioner for a considerable time and as such he had considerable knowledge and experience of the housing problem in the city of Bombay. He took part in the debate and his opinion was considered weighty then, and I hope, Sir, it will also carry weight on this occasion, because he relied upon statistics at his disposal in the municipal records and not upon arbitrary figures. I would ask the Honourable the General Member to explain this point in this connection. With regard to the figure of Rs. 85 for the city of Bombay and other limits for other places, he has told the House, both on the occasion of the introduction of this bill and in the course of the discussion of this bill, that he fixed those limits as a result of certain investigations carried out by his department and certain statistics collected by him. At the same time, I do not find either from his previous speeches or in the utterances that have been made in the course of this debate on what basis he has fixed these particular percentages in this schedule. He has fixed an increment of 10 per cent. every year for a period of three years. We have not been given to understand on what figures they are based, on what records they are based and what investigation they are the result of. If he had supplied us with this information, probably the time of the House might have been considerably saved, as then the honourable members would have had some basis to go upon. Not having that, I ask the indulgence of the House to listen to what I have got as a basis to go upon. There is some sense in the amendment that I am moving. It is not an arbitrary figure that I have fixed, but it is a figure which strikes me as the most suitable one and which would be most acceptable to the landlords, because the landlords themselves had asked for it at a time which was considered to be abnormal. In 1918 the rents were certainly higher than at present. That is the Government case; the Honourable the General Member has stated so; and that is common knowledge. Well, in 1918 the landlords themselves asked for an annual increase of 5 per cent. And how does the Honourable the General Member defend his case for an annual increase of 10 per cent. in the present case? Now, as regards this contention of the landlords for a 5 per cent. annual increase, it was challenged on that occasion by several honourable members who had studied the case. There was also a resolution of the municipal corporation. I do not think anybody will charge the municipal corporation of those days with not looking after the interests of the landlords and capitalists. On the contrary the charge against the corporation

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then was that they were looking after the capitalistic interests more than after the interests of the masses and that municipal corporation had also passed a resolution wherein the same figure of 5 per cent. has been asked for. As I said, that figure was challenged by several honourable members and one of them was the Honourable Mr. Phiroze Sethna who was then a member of this Council and who had taken an important part in the debate when the bill was first introduced. I think the House will excuse me if I read his views in his own words :—

“The Bombay municipality held a meeting yesterday and by a majority resolved that Government be urged to determine standard rents not as provided in the bill but by allowing landlords to increase their rents every year by five per cent.”

That was the demand of the Bombay municipal corporation, and the same demand was repeated by Government. He then goes on :—

“I submit this proposal in the Council for three good reasons :—

In the first place five per cent is nearly double the average increase of rents in the city.”

After proving certain figures of the Municipal Assessment and other departments, he came to the conclusion and tried to convince the House that 5 per cent. annual increase as demanded by the municipal corporation as well as by landlords was too much and according to statistics he has shown that 2½ per cent. or something more than that annual increase was a better figure. The Honourable the Revenue Member, who occupies a seat on the Government side to-day, was also then a non-official member, I understand, and he had also participated in the debate and I hope he will bear me out that these figures are right. But the most important argument which was advanced on behalf of Government was that advanced by the Honourable Mr. Cadell and that was very seriously considered on both sides, as he had previously occupied the post of Municipal Commissioner for the city of Bombay for several years and he was in a position to enlighten the House on the subject of the housing problem in the city of Bombay in a more or less authentic manner and he also challenged that statement. He said that it was ridiculous to suggest that landlords should get 5 per cent. every year. I am reading from what Mr. Cadell had said of 23rd March 1918 :—

“I deny that the annual increase in rent was 5 per cent. It is extremely unlikely that it should be so, that rent should double in 20 years in Bombay. I do not think that it is the case in Bombay, nor is it the case in any other settled city anywhere in the world. It is perfectly true that rents have been rising, but on an average it is very unlikely that there should be anything like that increase. The ground value may double in 20 years but it does not follow that rentals will double in 20 years. But even though rental may be doubled in 20 years and in some cases it does, in a question like this we must take the average increase for the whole of Bombay and I think it is extremely unlikely that they will increase at that rate.”

Therefore, Sir, my submission to this House is this that the year 1918, when this point was debated in this Council, was, so far as rentals were concerned, abnormal, so abnormal that Government thought it right to interfere by an extraordinary legislation of this kind, and even in that abnormal year, no thought of going beyond five per cent. increase annually was ever dreamt of by the best advocates of landlords and by the best advocates of the capitalist class, namely, the municipal corporation

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of that city, even after due deliberation, and even then five per cent. was challenged both by the popular members on this side, by facts and figures showing that 2½ per cent. was the correct figure, and also by the honourable benches of Government by authentic figures and by an authority like the Honourable Mr. Cadell who was for many years the Municipal Commissioner of Bombay. Therefore I say that when I moved my amendment asking for five per cent. increase at a time which is less abnormal as is admitted on all sides and which is not the same as 1918, this amendment is one which ought to be acceptable both to the representatives of landlords of to-day as well as to honourable benches on Government side. That is my authority for the amendment. I would like to know from the Honourable the General Member as to what his authority is for setting aside the considered view of Government on the subject several years ago and at abnormal times and the considered view of the Council on that occasion and the considered view of the municipal corporation and the considered view of the landlords of the city of Bombay. What is his authority, what is his investigation, what are his statistics that make him jump from five per cent. increase to more than what was asked for, and to ask for ten per cent. increase annually? I appeal to the honourable members from Bombay who own buildings and also to those honourable members who are not so fortunate but who occupy rented premises, whether in their experience as tenants or as landlords they have come across many cases in the city of Bombay when the landlord expects or when the tenant pays an annual increase of ten per cent. in rent. I put it very soberly and very earnestly, without indulging in any epithets, looking at the experience, apart from municipal and other records, have we heard of landlords, be they most rapacious and most greedy, expecting to get annual increase of ten per cent. in rent? I am sure that the honourable members who represent landlord interests in this hall will admit from their own experience that even in the very hard times (I know during the last ten or fifteen years there was a jump of 50 or 60 per cent.) there never was an annual increase of ten per cent. every year. Supposing we accept that principle and Government act upon it, will it not be a precedent for the landlords of the city of Bombay to copy it hereafter, even after the Act ceases to be a legislative measure, even when the control is removed? Is not this a dangerous precedent to serve as a precedent for the landlords of Bombay city as well as outside to follow and will they not increase rents by ten per cent. year after year even after the Rent Act has gone, quoting this schedule as their authority and saying that after due calculation Government themselves have fixed the schedule and that the Legislative Council has accepted the schedule, thus justifying their position not only for three years to come but for all years to come as far as the city of Bombay is concerned? Will not the landlords claim an annual increase of ten per cent.? Where are we to stop? Supposing an annual increase of ten per cent. is given, where is it to stop? There is no limit, the rents may go up to limitless amounts. It is not a hypothetical case at all but it is a genuine case which I want the House to most seriously consider

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that instead of this Act being a blessing it will be a sort of a curse in disguise, serving as a precedent to landlords in Bombay city even after the Act has ceased to be an Act on the statute book. That is the situation as regards the city of Bombay.

Now I ask for the experience of honourable members on the other side as to what were their views up to the year 1923 when the schedule was introduced. This bill has been amended two or three times by this very Legislative Council and most of the honourable members who occupy the benches on the Government side did also occupy those benches when those amendments were carried. Have they ever recommended to this honourable House in those amendments which they had put forward an annual increase of ten per cent. ? We have given increases of ten per cent. and even 25 per cent. for a period of nearly three or four years, but I challenge the honourable members to point out either from any authority outside or from Government or municipal records, in Bombay or anywhere in the world, as Mr. Cadell observed, any statistics in the world, any instance where such an enormous increase as ten per cent. every year was allowed. On the contrary all the investigations go to show that wherever such an Act exists, not only in this presidency but anywhere in the world, not only anywhere in the world but even in Calcutta, wherever such a measure has been legislated, no such increase has been given to the landlords either in England or in India. Let the Honourable the General Member look at the Calcutta Act (and I am sure he has studied that Act) and point out a schedule there corresponding to the schedule here. What does the Calcutta Act give ? It gives 10 per cent. increase for a period of seven years. The Act is still in existence. It was last amended only a year or two ago. That schedule never allowed an annual increase of ten per cent. or even of five per cent. It gives 10 per cent. increase for a period of seven years and in England 15 per cent. for all the period and for more than ten years an additional increase of about 25 per cent. provided that the landlords carry on repairs to the satisfaction of the Health Authorities there and unless the Health Authorities certify that the repairs are such as to justify the increase of 25 per cent., the landlord is only entitled to 15 per cent., not annually, not for a period of two or three years, but for the whole period of about ten or eleven years. A further extension is contemplated but there is no increase over that. Similarly there is an Act in Rangoon ; it has no such provision as in the Act for the city of Bombay under which for an abnormal period up to 60 per cent. increase was allowed. I may point out that 60 per cent. and 70 per cent. increases were instances pointed out by Government benches when the Honourable Member moved the bill as justifying a measure like that. When this is a bill which has been proposed to protect the interests of the tenants of Bombay and to restrict the rents it is very anomalous, I do not call it ridiculous, that instances should have been quoted for justifying these increases. That is the position to which we have arrived. I am sure the Honourable the General Member will not be able to justify these increases he has proposed in the bill. My amendment is a *via media*. I do not

[Mr. K. F. Nariman:]

take the extreme view of Bombay Rent Committee that there should be no increase at all. Considering the fact that we are here to consider the grievances of both the landlords and the tenants, I was reluctant to press my measure which had to face so much criticism. My amendment is a generous one and goes further than what Government intend to do. Considering all the circumstances, I hope my amendment will be accepted by the House.

Question proposed.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to oppose the amendment moved by my honourable friend the member for Bombay City, South. I am not satisfied with the percentage of increase given by the select committee; but I did not disapprove of it considering the present unemployment and had to sign the report of the select committee most reluctantly.

The honourable mover of the amendment referred to previous records, the report of the controller of rent, the proceedings of the municipal corporation, but he has omitted to refer to the report of the Turner Committee which was appointed in 1920. That committee consisted of officials and only two members out of nine represented the interests of the landlords. What was the recommendation of that committee? That committee recommended an increase of 30 per cent. The honourable mover of the amendment considers the increases proposed too much on the ground of general depression. There may be loss in trade, but I should like to know from the honourable member whether the doctors have reduced their charges or the vakils their fees? In the absence of any reply from the honourable member I take it that he is prepared to withdraw his amendment.

The honourable member stated that in 1918 the landlords asked for 5 per cent. only. Quite so. At that time when the war was going on the landlords wanted to co-operate with Government; and then they never had the least idea that the Rent Act would be extended till 1925. At that time in 1918 when the landlords consented to the annual increase of 5 per cent. the people who took shelter in their houses as traders and shopkeepers made profits of 200 and 300 per cents.; the landlords had no share in these profits. It was then that the landlords' eyes were opened that they had committed the greatest mistake in their lives in not opposing 5 per cent increment.

The honourable member further stated that the landlords never thought of getting an annual increase of more than 5 per cent. It is an incorrect statement. This idea of getting annual increments originated so far back as 1895 when the Improvement Trust was started. When the Improvement Trust pulled down chawls in Mandvi and other places, there was a demand for houses and it was then the idea of getting annual increments to landlords originated. In 1918 when the annual increment of 5 per cent. was given, there was a talk of a proposal for starting a housing scheme. I ask, since 1918 how many new houses have come into existence and how many tenements are lying vacant?

[Sir Vasantao A. Dabholkar]

Is it fair to recommend this 5 per cent. increase till the Rent Act remains in force ?

In the case of land acquisition, both the sale and purchases of land are taken into consideration in valuing a property. So also in fixing the increased basis of rent the same principle should be taken into consideration. If we take the instances in certain localities of the rents in the newly built houses we find that the rent of a single room tenement 20 feet by 10 feet is Rs. 25, while in the same locality a double room tenement in houses protected by the Rent Act fetches a rental of only Rs. 20. If the Honourable the General Member takes into consideration the principle of land acquisition, he must allow at least a rental of Rs. 40 for double room tenements in houses which are controlled by the Rent Act.

The honourable member for Poona who is also a member of the Swaraj party considered 6 per cent. fair, exclusive of municipal and other taxes. The landlords would be greatly delighted to get it, but I was going to object to his proposal as it was not workable. We find here another member of the same party opposing even the 5 per cent.

The honourable member said that his amendment was a very generous one. May I know from the same honourable member whether he will show the same generosity when he has to get money from others? I do not think he will show the same generosity. With these remarks, I oppose the amendment.

Mr. A. N. SURVE (Bombay City, North) : Sir, I rise to support the amendment which is before the House. The honourable member who has preceded me referred to the Turner Committee report and its recommendations. I am aware that that committee proposed an increase of 33½ per cent. But may I ask whether that recommendation was accepted by this honourable House? May I just remind him of the conditions as they existed three years ago and as they exist now? In prosperous times, this House did not accept the recommendations of that committee. Therefore there is the greater reason why it should not be accepted now in these times of depression when the millhands are threatened with reduced wages which might ultimately—it is feared—result in a strike. Then about the scale of increases, may I just inquire if it is correct that the normal growth of rents in Bombay is only about 1½ per cent. every year? If we take this normal growth of rents in Bombay into our consideration, then from the year 1918 up to to-day, that is, 7 years, we should grant the landlords according to that scale only 10½ per cent. increase. But we have already given them 15 per cent. increase, since 1922 and for some years to come, we are going to give them 5 per cent. more. For these reasons, I support the amendment that is before the House.

Dr. COSMAS FERNANDEZ : Sir, the increases which have been put in in the bill, I think, are rather very high, and the amendment is a very reasonable one. I think the houses for which these increases are asked depreciate year by year, just as any bit of furniture depreciates. In any office depreciation is allowed for furniture; similarly, materially

[Dr. Cosmas Fernandez]

the houses depreciate. We are told that the value of houses appreciates like old wine. But old wine appreciates on its own merits, but the appreciation in the value of property is due to public expenditure; it does not appreciate on its own merits like old wine, but on account of public expenditure. It does not appreciate on account of its own inherent value. The landlords ought to consider that the value of their houses has appreciated because of public expenditure, and therefore when public interest demands it they ought to give in and accept this very reasonable increase which has been suggested in this amendment.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, I rise to support the amendment; otherwise it will mean that what is given by the right hand is taken away by the left hand. The Act is intended to be extended in order to give relief to the tenants. Once for all we have accepted the position that the landlords must make a virtue out of this necessity, that the landlords have no other alternative but to submit to this Act at present. The argument has been advanced, when all other merchants are making profits of 20 to 100 per cent. in their businesses, why should the landlords not have the same advantage to make any profit they please? The only cogent reply that I can give is that in the various kinds of business the return is in proportion to the risk undertaken. If the building of houses involves the same amount of risk as a business, then the landlords are entitled to charge the same increased percentage of rent; otherwise not, and I do not think that the risk is the same. It has been stated that doctors and pleaders are making a lot of profit, but if that is so, you can import hundreds and thousands of doctors and pleaders into Bombay, but it is not possible to import any piece of land into Bombay.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support the amendment moved by my honourable friend Mr. Nariman. In supporting it, I want to draw the attention of the House to the amendment of the honourable member Mr. Swaminarayan which gives only one general increase of 5 per cent. for the whole period of extension. I should certainly have preferred to support that amendment, for this one reason that this House completely forgets the fact that the landlords have already had two increases in rent during the course of seven years that these Rent Acts have been in existence. But, in order to be fair to the landlords I shall support the amendment of my honourable friend Mr. Nariman which is certainly over-generous in that direction. Now, Sir, compare the amendment of my honourable friend Mr. Nariman with the provision in the bill as amended by the select committee. What do you find there? You find there is an increase of 15 per cent. for the first year, 10 per cent. for the second year, and there is thus a regular and gradual increase every year of 15 to 10 per cent. To my mind, certainly these increases are revolutionary. The landlords probably never expected that they would be given such generous terms under the Rent Act by the Government. Had the increases been left to the landlords themselves, I do not think they would have increased the rates to such an enormous extent.

Sir VASANTRAO A. DABHOLKAR : Question.

Dr. M. B. VELKAR : My honourable friend Mr. Nariman pointed out that in Calcutta since 1920 there has been only one increase of only 10 per cent., and no further increase was given even though the Act was extended for a further period of two years. In England, as my friend Mr. Nariman pointed out, the increase is only 15 per cent. even though the Act is extended for a further period of two years and is to be extended still further by a new bill. I do not understand how the Government can convince the House that the increases which they propose in this bill are reasonable. I want to ask the Honourable the General Member one question. Does he mean to say that if the rent is increased every year by a certain proportion, the tenants also are going to get an increase in their income in the same proportion, with all the depression that we see round about us, and with the unemployment question that is rampant in the city and when many bread-winners of families are out of employment. I want to know whether the tenant's income is going to increase proportionately with the increase of the rents that the Government propose to give to the landlords. Sir, we call this measure a measure to give protection to the tenants, but where is that protection given to the tenants in this bill ? We have decontrolled premises with monthly rentals of over Rs. 85 ; we have extended the Act for three years only when the people claimed that it should be extended at least for five years. Therefore, if at all this measure can be called anything, it can be called a landlords' measure. I therefore hope that the honourable member Mr. Nariman's amendment will be carried by this House.

The Honourable Mr. COWASJI JEHANGIR : Mr. President, I rise to oppose the amendment. My honourable friend Mr. Nariman has informed this House that the landlords claimed a rise of five per cent. annually. In the beginning of his speech he seemed to admit that claim, but it struck me that he suddenly changed his mind and he thought that that argument might go against him, and therefore began to argue that that claim was not justified. He stated that five per cent. was the increase that the landlords themselves demanded and he asked why the bill provided an increase of 15 cent. I regret that he did not lay that stress on the word "annually" that it was necessary to do if he really wanted to place the position of the landlords accurately before this honourable House. In 1918 when this Act was passed the landlords stated that they ought to get an increase of 5 per cent. a year. The standard rent taken in the Act is the rent that was prevailing in Bombay on the 1st of January 1916, and the rents in Bombay, for the last ten years, have not in any way been allowed to be increased, except for the two increases allowed at first by the original Act and then by the amending Act of 1923. In the original Act the standard rent was the rent prevailing on the 1st of January 1916, plus 10 per cent. By the amendment of 1923, the standard rent was the rent prevailing on the 1st of January 1916, with an addition of 5 per cent. more, that is to say, 15 per cent. for premises yielding rents between Re. 1 and Rs. 50, and an increase of 10 per cent., that is to say, a total increase of 20 per cent. for premises from Rs. 50 upwards. Therefore, Sir, the increases that have been

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given within the last ten years have been a total lump increase of 15 per cent. on premises from Re. 1 to Rs. 50 and a total lump increase of 20 per cent. on premises from Rs. 50 upwards. Now, the bill proposes an increase of 15 per cent. on to-day's rent for premises from Re. 1 to Rs. 50. Naturally some honourable members who desire to follow the very superficial argument that my honourable friend Mr. Nariman has placed before you, will ask "if the landlord himself is prepared to accept an increase of only 5 per cent. annually, why has Government proposed an increase of 15 per cent.?" But if you calculate an annual increase of 5 per cent. from the first of January 1916 to the first of January 1926, which is 10 years, it will be equivalent to an increase of 50 per cent. And if I had followed the argument of my honourable friend Mr. Nariman that the landlord is entitled in normal times to an increase of 5 per cent. annually, I would have been entitled to put down an increase of 50 per cent. instead of 30 per cent. provided in the bill. We did not accept that argument of a 5 per cent. increase annually. A $2\frac{1}{2}$ per cent. increase as suggested by the worst opponents of the landlords would come to 25 per cent. If you take a mean between the $2\frac{1}{2}$ and 5, that is $3\frac{3}{4}$, it would come to an increase of $37\frac{1}{2}$ per cent. Now, Sir, is this increase of 15 per cent. on to-day's rent provided in the bill for the first year an extravagant increase?

There is one more argument, rather fallacious, which has been put forward by my honourable friend which requires a little explanation. He stated that the landlords were satisfied with an annual increase of 5 per cent. But that was in 1918. That was an increase suggested in normal times. That increase did not take into calculation the higher cost of materials and labour and of living all round. That increase was calculated from figures obtained during normal times. Therefore, even if the contention of the landlords was correct in 1918, I think they have a right to claim that that figure cannot hold good to-day on account of the different circumstances. But Government have accepted none of those figures. As I have told you, if we had accepted 5 per cent. annual increase, we should have allowed an increase of 50 per cent. instead of the 30 per cent.

Now, Sir, my honourable friend asked me to explain what was the basis of these increases? He stated that I had explained to the House why I had fixed Rs. 85 as the limit of control, but that I had not explained to the House why Government fixed the figure of 30 per cent. I have partly explained it, but I will go a little further. What is the justification for extending the Rent Act? The justification is that landlords may put up their rents to an extent which may be called exacting, that they are in possession of a commodity which is absolutely necessary for the poorest as well as the richest and that they should not be allowed to take advantage of their position and make exacting demands. That is the justification for extending the Rent Act. But that is no reason and there is no justification for not giving a reasonable increase to the landlord. Our object is to prevent the landlord from exacting 80, 90 or cent. per cent.

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increase, but we do not desire that the tenant should take advantage of the law and pay no increase at all. If there had been no war, and if there had been no Rent Act, the landlord would have got his normal increase in rents. There is no reason why we should prevent that normal increase by legislation. We are here to legislate to prevent an abnormal increase, and not a normal increase. My honourable friend Mr. Nariman, desires that we should legislate to prevent the landlord getting a normal increase. He wants to take advantage of this legislation in order to enable tenants to get tenements at under cost price. We desire that these tenants should continue to live in their tenements without fear of the landlords, but we do not desire the tenants to take an undue and unfair advantage of the landlords. That is exactly what my honourable friend desires this Council to enable the tenants to do. I think I have explained the justification for the Rent Act, and the justification for a normal increase in rents.

As to my honourable friend, the honourable member Mr. Surve, I have failed to understand his attitude throughout this debate. It puzzles me, it perplexes me. He made a speech in this House which was a condemnation of this legislation. He condemned it and he practically then argued that Government had no business to bring forward this legislation and that the Act should be allowed to lapse. That was the inner meaning of his argument. He then brought forward a proposal that the premises having rents of Rs. 8 and under should be decontrolled, and he now comes forward to oppose any increase in the rent even if that be fair, because he says tenants cannot afford to pay. But he does not mind tenants paying 100 per cent. increase by decontrolling. I will allow him time to consider, and I hope and trust when we go to vote the honourable member will change his mind.

Now, Sir, what has been the result of starving the landlords upto now? The result has been that the landlords have refused to repair their premises on the ground that their rents are not adequate to pay for the increased cost of labour and materials. They feel that they have a justification in neglecting their properties and thus neglecting their tenants, and unless we remove that justification, we cannot expect the landlords to repair their premises and to keep a sound roof over the heads of their tenants. Well, Sir, I will say no more just now, as I will have occasion to speak again after the speeches of other honourable members.

There is one more point. We have been asked to consider the Calcutta Rent Act. We have been told that we are more unfair than the Government of Bengal. But has any honourable member informed this House that the basic rent in Calcutta is fixed on the rents prevailing on the 1st of November 1918 and not 1916 which makes a world of difference between the two standard rents. There can be no comparison between the two Rent Acts. Therefore, to bring the Calcutta Rent Act as an analogy is—I do not want to use a stronger expression—throwing dust in the eyes of honourable members. I hope it was not done deliberately but it might have that effect. I have nothing more to say, but I hope and trust that the Council will pass the increases embodied in the bill

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and which have been supported by the select committee. If honourable members consider the question fairly from a fair and unbiassed point of view, they can come to but one conclusion, namely that these increases are on the low side and not on the high side. Under the circumstances I do hope that my honourable friends will reconsider the matter and those who have supported this amendment will vote against it.

MOULVI RAFIUDDIN AHMAD (General Division): Sir, I rise to oppose the amendment. I may be allowed to say that there are two organised parties in this House: there is the Swaraj party and there is the non-Brahmin party. But in addition to these the honourable member Mr. Nariman is a party by himself. I have heard all these parties. The Honourable the General Member had promised that he would try to please both the parties, that is to say, he will be reasonable to the landlords and to the tenants. He has kept his word. I may remind the House that when that bill was introduced last time, the Mahomedans as a body had opposed it. The reason has now been ably and eloquently pointed out by my friend, the honourable member from Thana. Sir, a large number of the mortgaged houses in Bombay belonged to the Mahomedan community. Moreover, there is a very large number of houses upon which Mahomedan charitable institutions depend, and we do not like to see any injustice done to the proprietors and managers of these institutions. I think the honourable member had gone far enough when he agreed to three years. We would have liked extension only for two years, but he went out of his way and even threw overboard the select committee itself. He wanted to oblige the honourable member for Bombay City, South. I must ask him to bear in mind that there is no gratitude in politics. He must not throw overboard other portions of the bill as amended by the select committee, otherwise he will not receive any support at all. We have been perfectly reasonable to the tenants. I myself went out of the way and advocated the cause of the middle classes along with my friend, the honourable member Mr. Nariman; but I cannot understand his mentality; his mind seems to me full of vagrant ideals. I do think that the lucid explanation given by the Honourable the General Member must have convinced every reasonable mind that Government is fair both to the tenants and the landlords. Moreover the question must be looked at as a whole and not as a part. And if you looked at it as a whole, then you would not oppose it at all. Considerations have been shown and the Act has been brought forward for three years on the strength of these schedules; if these increases are to be thrown overboard, it would mean that no concession is given to the landlords, who will have cause for complaint against Government.

(After recess.)

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Mr. President, the main argument of my honourable friend Mr. Nariman for opposing the increases as provided in the bill is, that these are times of depression and that the tenants will not be able to pay increased rents.

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In boom times, Sir, when trade is flourishing and good profits are made, a large number of people come to Bombay with the result that there is a scarcity of housing and the tenants find it difficult to obtain housing accommodation. Our friends then say that the normal increases in rents should be controlled and the Rent Act should be extended. Now, when the depressed times come, they say increases should not be given because people are not in a position to pay the increased rents. They say the times are hard and it is difficult to pay the increased rents, though, as it is difficult to make profits, people go out of Bombay and there are a large number of houses vacant. Even then they say that the Rent Act should be extended and increases in rents should not be made. That means, Sir, that my honourable friend is not consistent. If he were, he ought to say that no increases should be allowed at all and that the Act should be a permanent measure instead of saying that the Act should be extended for two or three years.

One of the arguments advanced why the extension of the Rent Act should be made and why this increase to the landlords should not be given, is that houses are to be built and until housing accommodation is sufficient the Rent Act should be extended. Now, Sir, who is going to build a house when he cannot realise even 6 per cent. net interest? If a man can realise 6 per cent. on Government securities without any bother and worry, and can recover interest on Government securities and municipal bonds, and so on, at 6 per cent. without any bother or worry, why should a man go to the trouble of building a house on his land and then be bothered by the tenants, by the municipality and other local bodies, and not even get 6 per cent.? The amendment of my honourable friend representing Poona, Mr. Bhopatkar, when he proposed that 6 per cent. clear should be given to the landlords, was opposed by my honourable friend Mr. Nariman. If a landlord is not going to realise even 6 per cent., how is he going to build an enough number of houses. And, Sir, it is difficult, as the Rent Act stands at present, for a man who builds to realise even 6 per cent., because though the present houses are old and insanitary, the tenants refuse to leave these old houses and go to the new ones where they will have to pay higher rents.

Then, Sir, my honourable friend says that he is prepared to agree that the landlords should have a normal increase of 5 per cent. a year over the rents in 1916, and if he is consistent, then 5 per cent. every year would work out about 50 per cent. now whereas the Honourable the General Member wants to give only 30 per cent. But if you take the average of actual figures, what the Honourable the General Member proposes would work out to be an average increase of 2½ per cent. every year. Then, Sir, yesterday when my honourable friend Mr. Bhopatkar proposed his amendment, the Honourable the General Member in opposing it said that if the House were to accept the amendment of the honourable member, Mr. Bhopatkar, the result would be that the rents would be increased so tremendously that it would cause great hardship to the tenants, which means that the present realisations of the landlords in

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Bombay are about $1\frac{1}{2}$ to 2 per cent. or 3 per cent at most, and these are considered to be large by my honourable friend Mr. Nariman. The increases which are proposed by the Honourable the General Member will not even fetch 6 per cent. to the landlords.

I therefore think, Sir, that the increases proposed are not only fair to the tenants but they are not even fair to the landlords at all, and my honourable friend Mr. Nariman should be only too glad on behalf of the tenants to accept them instead of trying to whittle them down. I therefore, Sir, oppose this amendment.

Mr. E. E. WOODS: Mr. President, with regard to the increases proposed in the schedules, I may be pardoned if I express the view that these increases deliberately conduce and help in a most significant manner the evils of profiteering by landlords in general and which is, or rather ought to be, the chief aim and object of all legislation of this nature to provide against and stop.

The principle of any such restrictive measure, as I once before remarked in this House, is the positive control and keeping down of rents, and not as in the bill now before us, where this control is rendered next to useless and its benefits curtailed and so made nugatory by the large and exorbitant increases which this bill proposes should be conceded to the landlords.

For these reasons I still venture to suggest that the fundamental principle underlying a genuine and honest restrictive measure should be adhered to, and that the very reasonable and just increases proposed in the amendment before us, and which will do full justice to the landlords, be allowed.

This view is based on the fact that rentals up to Rs. 50 and Rs. 85 have already contributed and paid an increase of 15 and 20 per cent. respectively on their basic rents, and to the further fact, that these limits now proposed, will alone give that desirable and necessary relief to the poor, and the poor middle classes on whose behalf this Rent Act is primarily intended to serve.

As it stands, the bill appears to be solely designed to benefit the landlord class. The increases proposed in the schedules are outrageous and excessive, and under the circumstances the opinion is permissible that the elementary rights and interests of the tenant have been studiously ignored and his hopes built on a pledge ruthlessly destroyed.

I therefore appeal to the Honourable the General Member, who in this case is the arbiter so to speak of the destinies of the poor and middle class tenants, a class for whom he has on more than one occasion expressed a kindly regard, to give them a just and satisfactory relief while there is yet time, and on the lines I have indicated, and so earn their gratitude and blessing by that quality of mercy which is not strained. I therefore support the amendment before the House.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I really did not expect the storm of opposition to this amendment and the opposition

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and the criticism I expected was from the supporters of the tenants' cause that are outside this House for the concession that I was making beyond the resolution and beyond the determination which they themselves had arrived at after their own calculations. The mandate from my constituency was, if I may be permitted to state, that under the present circumstances, considering all the circumstances, at the present time there should be no increase in the rents, but after considering several matters and after particularly considering the difficulties about mortgage and millowners, I thought that that would be going rather too far and that this would be accepted by all reasonable sides of the House including the honourable members on the Government benches as a *via media* to the two extremes. I do call that schedule which is in the bill one extreme and at the same time not to give any increases at all is another extreme. Therefore I thought that I had made out a case which would be accepted by all reasonable sections of the House, but I am afraid, Sir, that the good intentions with which this amendment was moved have been misunderstood. First and foremost the Honourable the General Member has referred to the demands made by landlords in the first instance that a petition for five per cent. was sent. He has entirely forgotten to state that in my speech I laid stress upon the point that that was the claim made by the landlords even in good times but that that claim was resisted both by the popular members and by the Government themselves and their contention was to the effect that $2\frac{1}{2}$ per cent. was quite legitimate increase to which they were entitled. The Honourable the General Member has only referred to one part of my speech, namely, to the claim made by the landlord, he has not referred at all to the most important paragraph in the Honourable Mr. Cadell's speech to which I referred and to which he has made no reply. Why was it that one honourable member of Government, after all the experience that he gained as the Rent Controller, as the Municipal Commissioner, as an important and responsible member of Government, who was responsible for piloting the bill on the first occasion, why was it that he was convinced that $2\frac{1}{2}$ per cent. according to him, according to statistics and record, was quite sufficient as an annual increase and that therefore that demand for five per cent. should not be considered? My contention all along had been that five per cent. was what the landlords had been demanding but that was not accepted by the House on that occasion, both by Government and by the popular side and that proved, both by the speech of the Honourable Mr. Sethna which I read out to you and by the portion of the speech of the Honourable Mr. Cadell which also I read out to you earlier, in the days that $2\frac{1}{2}$ per cent. was legitimate as was decided by them. I should have considered that according to that debate Government would have thought that $2\frac{1}{2}$ per cent. annual increase given annually might have been a satisfactory solution of the problem, but what is the position now? The Government considered the bill twice since that date, namely, in 1918, and the last time they considered it was so late as 1923. I know that at the time when the schedule in 1923 was fixed, a good deal of consideration was made, a good deal of calculation was

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made, the landlords' demand was also considered, the statistics that were first put forward were also considered, and after all that consideration they fixed upon the schedule of May 1923, that is, not even more than two years ago. Even then it was not thought by the honourable members and even by the Honourable the General Member who was in charge of the bill then, that for the last so many years the landlords have not been given an increase to which they considered they were entitled, namely 5 per cent., but they put it down at 2½ per cent., and even then it was not thought that the landlords were to get accumulated arrears of that increase for so many years. Why then the year 1925, the year of the greatest depression, the year of the greatest hardship, so far as these poor tenants are concerned, why this particular year is selected to recover all the arrears that are supposed to have not been paid even according to 2½ per cent. or five per cent.? Is this the year to recover arrears of rent? I may point out to the Honourable the General Member that what can be recovered from poor people by annual distribution of 2½ or 3 per cent. spread over a larger period of ten or eleven years may not tell upon the purses of the poor so hardly as to ask for the payment of the accumulation of arrears for so many years suddenly at the very worst time, at the most depressed time, that the city of Bombay has ever seen. Is that the argument of the Honourable the General Member that he wants this House to accept as reasonable? I do submit that it is not a debt to be recovered, even a debt to be recovered is not recovered in that manner but it is spread over a large period of time. There is nothing in that argument and I submit that the argument based on the record of previous years and particularly on the speech of the Honourable Mr. Cadell and the Honourable Mr. Phiroze Sethna has remained unanswered and the Honourable the General Member has not even referred to it in the course of his whole speech while only referring to the demand made by the landlords which demand was even in the year 1918 challenged and which must be challenged even more so in the year 1925. Look at the schedule of 1923. The principle of that schedule was the higher the rental the higher the percentage, the lower the rental the lower the percentage. That was the principle that was adhered to after long consideration in the year 1923 when the same Honourable the General Member had moved the other amendment. That schedule was:—

	Per cent.
Rental not exceeding Rs. 50 ..	15
„ exceeding Rs. 50 but not exceeding Rs. 200 ..	20
„ exceeding Rs. 500 to Rs. 5,000 or Rs. 10,000 ..	33½

That was the principle in 1923, the lower the rental the lower the percentage and the higher the rental the higher the percentage. That principle is given the go-by here. We have reduced rentals. There is no question of going beyond Rs. 85. What should be the natural result according to the principle adopted in 1923? As we have reduced rentals to Rs. 85 only, according to this, the percentage should be lower. Instead of that we do away with the rental beyond Rs. 85. There is no

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question of controlling the rents beyond Rs. 85, but so far as the increases in rents are concerned, we adhere to the principle; what we do is to confine attention to rents beyond Rs. 500 or Rs. 5,000 in the year 1923. I want to know the cause for this change on the side of the Government. The facts and figures that are put in the schedule to-day were there in 1923 and during the previous amendments of the Act. The Honourable the General Member argues that the landlords are entitled to 5 per cent. and 2½ per cent. and that they should get all their accumulated arrears. I fail to understand why these accumulated arrears should be given in a year of depression. This reminds me of a story. A glutton abstained from taking food for 5 days and on the 6th day he took all the accumulated food for the last 5 days. What was the result? The man who was starved for five days was overfed on the sixth day and he died in consequence. The argument seems to be that because the landlords have been under-starved for these years, they must be overfed for the remaining years. I do not know what the result will be. I hope the result will not be the same. From any point of view, the argument cannot be accepted by the reasonable section of the House. In addition to this there is an additional burden of increase on municipal rates on the tenants. All these considerations are forgotten. I hope wiser counsel will prevail and these disastrous proposals, which will inflict the greatest hardship on the tenants in this year of depression, will be rejected and my reasonable amendment will be accepted by the House.

The Honourable Mr. COWASJI JEHangIR : Sir, there has been no change of principle so far as Government are concerned. My honourable friend wanted to know why in 1923 Government made a distinction between high rentals and low rentals and proposed a higher increase on high rentals and lower increase on low rentals. I wish to assure the honourable member that the same principle has been applied here also.

The honourable member stated that I have not taken notice of Mr. Cadell's arguments and I did not reply to them. What Mr. Cadell stated was that while an annual rise of 5 per cent. could not be justified he considered 2½ per cent. was the normal rise. Taking the mean of 3½ per cent. the rise would be 37½ per cent., while the rise provided for is only 30 per cent. My honourable friend Mr. Delves has prepared for me a statement illustrating the proposal of my honourable friend Mr. Nariman.

Take the case of a single room tenement whose rent is Rs. 4. It will be Rs. 4-9-0 in 1925; Rs. 4-12-0 in 1926; and Rs. 5 in 1927. Is that a reasonable increase? Take the case of Rs. 6 tenement. It will be Rs. 6-14-0 in 1925; Rs. 7-3-0 in 1926 and Rs. 7-8-0 in 1927. Take the case of Rs. 20. It will be Rs. 24 in 1926 and Rs. 25 in 1927. Take the case of Rs. 40. In 1925 it will be Rs. 46, in 1926 Rs. 48 and in 1927 Rs. 50. Are these reasonable increases?

Mr. President, I have already given to honourable members some samples of rents which would be increased according to this bill. I do not propose to repeat them. I think I have replied to my honourable

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friend and I hope honourable members will agree with me that I have replied to all the points that have been raised during the debate.

Question put. House divided. Ayes 32: Noes 61. Amendment lost.

Division No. 13.

ADWANI, Mr. D. B.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
DADACHANJI, Dr. K. E.
DESAI, Rao Sahab D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
KOTHARI, Mr. V. R.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.

Tellers for the Ayes: Dr. COSMAS FERNANDEZ and Mr. E. E. WOODS.

Ayes.

MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PATEL, Mr. D. N.
PETCH, Mr. F. W.
POWAR, Mr. M. B.
PRADHAN, Mr. R. G.
SARRBA, Mr. H. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.
WOODS, Mr. E. E.

Noes.

ABDUL LATIF HAJI HAJARAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ABERCROMBIE, Mr. J. R.
ADDYMAN, Mr. J.
AHMAD MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATRAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BHUGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAJI ABDULLHA HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Sahab KARIMBAKSH
JEHANGIR, the Honourable Mr. COWASJI
KALBEOR, Mr. G. M.
KAY, Mr. J. A.

KAZI, INAITULLAKHAN
KHUHHRO, Mr. M. S.
LAGHARI, HAJI FAZUL MUHAMMAD KHAN
LALJI NARANJJI, Mr.
LALLJEE, Mr. HOOSAINBHOY A.
LALUBHAI SAMALDAS, the Honourable Mr. LAWRENCE, the Honourable Mr. H. S.
MANSURI, Khan Sahab A. M.
MONTGOMERIE, Mr. A.
MUKHI JETHANAND PRITAMDAS
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. G. I.
PATHAN, Khan Bahadur JAN MAHOMED KHAN
PATHAN, Mr. A. F. I. K.
PATEL, Mr. D. R.
PRADHAN, Mr. G. B.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOOSAINALLY M.
SARDESAL, Mr. S. A.
SAYAD GHULAM NABI SHAH
SHANKARRAO JAYARAMRAO ZUNZAR-
RAO, Mr.
SHINDE, Mr. R. D.
THAKOR of Amod, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. N. N.
WILES, Mr. G.

Tellers for the Noes: MOULVI RAMUDDIN AHMAD and Mr. HOOSAINALLY M. RAHIMTOOLA.

The Honourable the PRESIDENT: Order, order. I will now call upon the Honourable the General Member to move his amendment. The honourable member Mr. Nariman can move his as an amendment to it. The Honourable the General Member merely inserts the original clause as a consequence of the decision of the House.

The Honourable Mr. COWASJI JEHangIR: Mr. President; I presume that I have got to move for the insertion only in the first part of schedule A.

The Honourable the PRESIDENT: Exactly.

The Honourable Mr. COWASJI JEHangIR: Therefore, I beg to move:

"That the words 'From the 1st day of January 1928 up to and including the 31st day of December 1928....50' be inserted in column 3 of the schedule."

Mr. K. F. NARIMAN (Bombay City, South): Mr. President, although I know it is absolutely hopeless for me to expect my amendment to be carried, still I shall discharge my duty according to my light and move the amendment that stands in my name. I will move, Sir, for the deletion of the figures "50" in column 3 and, in order that I may capture a few more votes than I would otherwise do, I would give away 5 per cent. and I would ask for the substitution of the figures "40" instead of the "35" of which I have given notice.

The Honourable the PRESIDENT: If the honourable member wishes to amend his amendment, he has to ask the permission of the House. I will not stand in his way, but it is for the House to consider whether they will allow him to amend his amendment. I will raise no objection.

Mr. K. F. NARIMAN: I would ask for permission, in order to improve my chances of success, to amend my figure to "40" instead of the Government's "50". Government's proposal is 50 per cent.; I ask for 40 per cent.

The Honourable the PRESIDENT: The question is that the House has so far decided that there shall be an increase of 30 per cent. for 1926, and of 40 per cent. for 1927; but, as the select committee had recommended that the protection should be extended for only two years, there is no provision in the bill at present for 1928. The Honourable the General Member wishes to re-insert the clause that was originally deleted in view of the decision of the select committee, and therefore some provision for 1928 has to be made in the bill. The Honourable the General Member proposes an increase of 50 per cent. which originally stood in the bill and the honourable member Mr. Nariman wishes to reduce it to 40 per cent. instead of 30 per cent. of which he gave notice. I hope the position is quite clear now to honourable members, and without their consent the amendment cannot be amended. It is, therefore, that I ask honourable members to state whether they will grant the permission which the honourable member Mr. Nariman is asking to amend his amendment, *i.e.*, to substitute 40 for 30.

Votes taken by a show of hands, to save time. 27 for the Ayes; 38 for the Noes. Leave to amend the amendment refused.

The Honourable the PRESIDENT: The amendment proposed is:

"In clause 5, schedule A, column 3, insert the words and figures as follows:

'From the 1st day of January 1928 up to and including the 31st day of December 1928....50'."

Question put and carried.

The Honourable Mr. COWASJI JEHangIR: Sir, the amendment I wish to move is as follows:

"In clause 5, in the second part of schedule A, in column 3, insert the following: 'From the 1st day of January 1923 up to and including the 31st day of December 1928....60'."

Question put and carried.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, my amendment is to delete Schedule B.

The Honourable the PRESIDENT: The amendment of which the honourable member has given notice is as follows:

"In clause 5, schedules A and B, substitute the word 'schedule' for the words 'schedule A' and delete schedule B altogether."

That means there will be only one schedule to this Act, and the amendment in the form the honourable member has given notice is quite correct and I call upon him to move it.

Mr. J. C. SWAMINARAYAN: May I draw your attention to the fact that there is one schedule attached to the Act; it is not to be left out; the original schedule stands.

The Honourable Mr. COWASJI JEHangIR: May I explain the position? There is no schedule B in the old Act. If the honourable member simply moves for the deletion of Schedule B, that will serve the purpose just as well.

Mr. J. C. SWAMINARAYAN: I propose, Sir, that schedule B should be deleted.

The Honourable the PRESIDENT: I must get the permission of the House to allow the honourable member to make this formal change in the amendment of which he has given notice. It is purely formal and I do not think the House will object to it.

The Honourable Mr. COWASJI JEHangIR: (Made an observation which was inaudible).

The Honourable the PRESIDENT: I understood the honourable member to say that he merely wants to move the latter part of his amendment, namely, "Delete schedule B altogether".

Mr. J. C. SWAMINARAYAN: If the Honourable the General Member thinks I can move it in the form in which I have given notice I will do so.

The Honourable the PRESIDENT: It is the honourable member's pleasure; he has given notice of it and he can move it. I do not know why the word "altogether" is inserted in the amendment. "Delete schedule B" is quite sufficient.

Mr. J. C. SWAMINARAYAN: The amendment I wish to move is as follows:

"In clause 5, substitute the word 'schedule' for the words 'schedule A' and delete schedule B."

Sir, I wish to point out to the House that the bill proposes to make a distinction between premises which were occupied before 1916 and those which were occupied after 1916 for the first time. I think schedule B

[Mr. J. C. Swaminarayan]

refers to the new premises which were occupied after 1916. As far as the new premises are concerned, the contracts were made between the landlords and the tenants on some special understanding, that is to say, at that time both of them were free to make the contracts in any way they liked. Therefore, the special consideration shown to these buildings is quite unjustifiable. The working of the Act is very much complicated by this differentiation between the two kinds of premises. I think the select committee also realised this point. In the original bill, in the case of rents not exceeding Rs. 50 increases to the extent of 20, 30 and 40 per cent. were given, but this has been deleted by the select committee and they have provided a uniform increase of 15 per cent. for all the three years. That shows that the injustice of this schedule B has been recognised in the select committee. Therefore, I urge that this sort of differentiation will very much complicate the working of the Act, and there is no necessity to make a reference to two sorts of premises. Therefore, schedule B should be deleted.

Question proposed.

The Honourable Mr. COWASJI JEHangIR: Sir, I am afraid Government cannot accept the amendment. But a little later on, you will find an amendment of which notice has been given by the honourable member Mr. Nariman which suggests that the figure 15 should be reduced to 10 and the figure 20 should be substituted by the figure 15. Government will be prepared to accept that amendment. So if my honourable friend will withdraw his amendment in favour of the amendment of Mr. Nariman, Government will accept the honourable member Mr. Nariman's amendment, and that will curtail the discussion.

Mr. J. C. SWAMINARAYAN: In view of the explanation given by the Honourable the General Member, I ask for leave to withdraw my amendment.

Question put and leave granted.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the amendment which I wish to move is as follows:

"In clause 5, schedule B, in column 3, delete the figure '15' and substitute the figure '10'. In column 3 delete the figure '20' and substitute the figure '15'."

As Government are going to accept the amendment, it is not necessary to take up the time of the Council by any further remarks.

Question proposed.

The Honourable Mr. COWASJI JEHangIR: Sir, I accept the amendment.

Mr. J. BAPTISTA: Sir, I rise to oppose the amendment.

Question put and carried.

Clause 5, as amended, ordered to stand part of the bill.

The Honourable Mr. COWASJI JEHangIR: Mr. President, there is one consequential amendment which I think is necessary in clause 5.

The Honourable the PRESIDENT: I hope honourable members will allow reopening of the question of clause 5 in order to enable the Honourable the General Member to move a consequential amendment.

The Honourable Mr. COWASJI JEHangIR: Sir, I think a consequential amendment is necessary in part 2 of schedule 1 and in column 2. I therefore propose the following amendment:

"In column 2 of the second part of schedule A, add the following words at the end:
'And in Talukas of North and South Salsette'."

The whole column will read as follows:—

"In any place in which the Act is in operation except the municipal district and cantonment of Karachi, and in the Talukas of North and South Salsette."

Honourable members will remember that the select committee provided that in Salsette the limit should be Rs. 25 except in Bandra, Andheri and Santa Cruz where they provided Rs. 50. That being so, we must add the words "in the Talukas of North and South Salsette" which include Bandra, Andheri and Santa Cruz after the word "Karachi" in column 2.

Question proposed.

Mr. G. B. PRADHAN: Sir, there are no talukas of North and South Salsette. They are called Bombay Suburban District.

MOULVI RAFIUDDIN AHMAD: Sir, I also object to the Honourable the General Member reducing the dignity of the district.

Mr. J. BAPTISTA: It should be called Bombay Suburban District.

Mr. G. B. PRADHAN: Andheri, Bandra and Santa Cruz are in the Bombay Suburban District. These are places to which the Rs. 50 limit applies.

The Honourable Mr. COWASJI JEHangIR: Sir, we have got to add after the word "Karachi" all districts to which the Act applies and to which the limit of Rs. 50 applies. The honourable members' wording will exclude Thana.

The Honourable the PRESIDENT: We are legislating; therefore, let us have the correct phraseology so that no question may arise hereafter.

Mr. M. R. JAYAKAR: Sir, in clause 2, the expression "in the taluka of North Salsette in the District of Thana and the taluka of South Salsette, etc." already appears and if you do not want to have the expression "North and South Salsette" you will have to delete the expression also from clause 2.

The Honourable Mr. COWASJI JEHangIR: Sir, I am informed that the description given is a correct one and it includes Thana.

The Honourable Sir MAURICE HAYWARD: Sir, I think it is right. It is Taluka of North Salsette and Taluka of South Salsette. But I am speaking from memory with reference to the jurisdictions of the courts, I believe these are the words used in our notification as they are used in clause 2.

The Honourable the PRESIDENT : The only procedure that I should suggest is that either the House should accept this amendment in the form put by the Honourable the General Member, or if the honourable member representing that part of the presidency thinks that there is some mistake, he can move an amendment and I will allow it. That is the only way to get on.

Mr. G. B. PRADHAN : The wording ought to be :—

"In any place in which the Act is in operation except the municipal district and cantonment in Karachi and Bandra, Santra-Cruz and Andheri and the municipal limits of Bandra and the notified areas of Santa Cruz in the Bombay Suburban District."

The Honourable the PRESIDENT : These are the words in the clause to which the honourable member Mr. Jayakar, drew attention.

Question proposed.

The Honourable Mr. COWASJI JEHangIR : Sir, I will only point out that the amendment of my honourable friend leaves out his own town of Thana. We want to cover all areas in which the limit is Rs. 50. Having put Karachi in column 2, we must put all those areas in which the limit is Rs. 50. I have got the best authority to say that the phraseology proposed by me is correct.

Mr. G. B. PRADHAN : Sir, I beg to withdraw my amendment.

Question put and leave refused.

Mr. Pradhan's amendment put and lost.

Amendment moved by the Honourable Mr. Cowasji Jehangir put and carried.

Clause 5, as amended, ordered to stand part of the bill.

Clause 3 ordered to stand part of the bill.

Question proposed that clause 4 (*Amendment of section 9 of Bom. II of 1918*) do stand part of the bill.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Sir, I have already moved the amendment to clause 4 standing in my name. But if the House will permit me, I move instead :

"Substitute for sub-clause (6) of clause 4 the following :—

'(6) Nothing in sub-section (1) shall apply in the case of any premises

(a) (i) which have been specially certified for the purposes of this Act to be in a ruinous or dangerous condition, in the case of the city of Bombay by the municipal commissioner for the city of Bombay, and in the case of any municipal or notified area by the municipality or the notified area committee, or

(ii) which, being situated in a cantonment, have been so certified to be in an insanitary state or unfit for human habitation by the cantonment authority, and

(b) in respect of which notice has been issued under section 354 of the City of Bombay Municipal Act, 1888, by the said commissioner, or under section 119 of the Bombay District Municipal Act, 1901, by the municipality or notified area committee, or under section 140 or 142 of the Cantonments Act, 1924, by the cantonment authority, to the owner or occupier of the said premises'."

The Honourable the PRESIDENT : The honourable member Mr. Pradhan wishes to move the amendment of which notice has been received in an amended form. As far as I have been able to follow, the substance is practically the same. He has re-drafted his amendment in order to bring out his point in better language.

Question put and leave granted to amend the amendment.

The amended amendment proposed.

The Honourable Mr. OOWASWI JEHangIR : Sir, I accept it.

Question put and carried.

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

Clause 6 (*Amendment of section 1 of Bom. VII of 1928*).

"In sub-section (2) of section 1 of the Bombay Rent (War Restrictions No. 2) Act, 1918, herein after called the subsidiary Act, for the figures and words '1925, in respect of any premises used as a dwelling-house' the figures and words '1927, in respect of any premises used wholly or principally as a dwelling-house' shall be substituted."

Mr. K. F. NARIMAN : Sir, I move my amendment as under :

"In line 3, delete the figures '1927' and substitute the figures '1928'."

Question put and carried.

Clause 6, as amended, ordered to stand part of the bill.

Clause 7 (*New section 7A of Bom. VII of 1918*):—

"After section 7 of the subsidiary Act the following section shall be inserted, namely:—

'7A. If in the case of any small premises of which the standard rent has been fixed Premises may be ex- the tenant has not occupied the premises for six successive cluded from the Acts if weeks and has failed to pay one month's rent due in respect unoccupied and rent of the same the premises may be excluded from the operation thereof not paid. of this Act and the principal Act.'

Mr. A. N. SURVE (Bombay City, North) : I beg to move the following amendment :—

"Delete Clause 7".

The proposed new section drafted by the select committee reads as follows :—

"If in the case of any small premises of which the standard rent has been fixed the tenant has not occupied the premises for six successive weeks and has failed to pay one month's rent due in respect of the same the premises may be excluded from the operation of this Act and the principal Act."

Sir, when on last Saturday I pointed out that this clause was defective, I am glad to see that the Honourable the General Member has placed an amendment on the table on Monday which tries to rectify partly the error which I had then pointed out, but even with that correction, I think that the defect is not completely removed. The object of the Honourable the General Member is to help the landlord. If that is his object, I may just humbly point out to him that his object will fail because there is a ruling of the Bombay High Court which states that the moment a tenant does not pay his rent at the appointed time he cannot claim benefit of the Rent Act. I may just make myself clear. Since the Rent Act came into force, there have been two kinds of tenancies in Bombay, a tenancy arising under the statute, the Rent Acts—that is the statutory tenancy, and the usual tenancy arising out of contract. Under section 9, so long as the tenant is paying his rent regularly, he can claim all the benefits of the Act but the moment he fails to pay the rent at the due time, the ruling lays down that he forfeits the protection given to him by the Rent Acts. If that is what the ruling lays down, then if this clause which says that the Rent Act shall not apply to such premises is passed, then the tenant reverts to the contractual tenancy and thereafter the regular process will have to be gone through. The tenant will have to be given notice and after the period of notice has elapsed an ejectment suit will have to be filed and this regular process will take

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months together. Therefore, if it is the object of the Honourable the the General Member to give protection to the landlords, I bring it to his notice that it will fail. I bring this to his notice simply to show that according to the ruling of the High Court there is a mistake in this clause and therefore I move the deletion of this clause.

Question proposed.

The Honourable Mr. COWASJI JEHangIR: Sir, this clause has been carefully examined by the select committee and there was only one objection raised to it by my honourable friend and that was that he was rather doubtful whether the wording would not bear the interpretation that if in one case a tenant was evicted and another tenant took possession, the new tenant would not come under the operation of the Act. Although I am advised that the section cannot bear that interpretation, to make matters doubly certain I propose to move the amendment of which I have given notice. Therefore, if that is the only doubt in my honourable friend's mind, he ought to have seen that I have given notice to amend this clause.

Question put and lost.

Dr. M. B. VELKAR (Bombay City, South): Sir, the amendment which I beg to move runs as under :—

"In clause 7A, lines 3 and 4, for the words 'six successive weeks' substitute the words 'three successive months'."

In support of this amendment I want to say that I did not on purpose support the amendment moved by my honourable friend Mr. Surve, because I think we must give some protection to the landlords also who are under a particular grievance of this kind and we ought to be fair to them. It is a just grievance because instances do occur where persons who occupy small tenancies do go out of Bombay, keep themselves away for months together keeping their premises closed and landlords are put to a certain amount of loss of rent. Therefore, I say it is a just grievance in regard to which we must give protection to landlords. But then the amendment suggested by my honourable friend, the General Member, appears to be certainly harsh in character because he says that the tenant who has not occupied the premises for six successive weeks and has failed to pay one month's rent, after those six successive weeks should be excluded from the operation of this Act. This clause applies to small tenancies usually occupied by labourers and millhands who are ignorant. We must take note of the fact that most of these labourers come to Bombay for short periods during the non-agricultural season but go back to their country during the monsoon to till the land and for the agricultural season they are absent from their tenancies in Bombay. Therefore in cases of ignorant people like millhands or labourers, we must show some consideration and give them at least three months' concession and this is the object with which I move my amendment. For instance if a tenant goes out for six weeks and fails to pay one month's rent, it gives extraordinary powers to the landlord to eject that tenant. I hope my amendment will appeal to the House.

The Honourable the PRESIDENT: The honourable member Mr. Nariman has got an amendment standing in his name. He can move it.

Mr. K. F. NARIMAN (Bombay City, South): I move :

"That in clause 7, in lines 3 and 4 delete the words 'six successive weeks' and substitute the words 'two months'."

The honourable member Dr. Velkar has already given the reasons. My idea is to include the time that will be taken up for the legal proceedings.

Dr. M. B. VELKAR: I withdraw my amendment in favour of the amendment of my honourable friend Mr. Nariman.

The Honourable the PRESIDENT: Has the honourable member leave of the House ?

Question put and leave granted.

The Honourable the PRESIDENT: The honourable member Mr. Nariman's amendment is before the House.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to oppose this amendment. My honourable friend wants to substitute two months. I shall give an instance. A man who is already in arrears of one month's rent, and for two months he goes out of Bombay, the arrears of rent will be three months and when the judgment in the court is obtained after the legal proceedings are taken he will be in arrears for six months' rent. The landlord will not be able to get even $\frac{1}{2}$ of this amount. Does the honourable member give any guarantee that the landlord will get all the arrears due to him? If that is so, I am quite prepared to accept the amendment. That is not possible. Our experience has been whenever a tenant goes to his village, he takes four months to come and when landlords take distress warrant and other legal proceedings they are not able to get even one-tenth of the rent due. Government are aware of these difficulties on account of their own chawls; hence the provision in the bill. If the tenants go out during the rainy season, why should they not send the rent due by money order? The proposed amendment will work a great hardship on the landlords and will encourage more mischief on the part of the tenants. Under these circumstances, I think the House should not accept the amendment.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to support the amendment. The section says :

"If in the case of any small premises of which the standard rent has been fixed the tenant has not occupied the premises for six successive weeks and has failed to pay one month's rent due in respect of the same the premises may be excluded from the operation of this Act and the principal Act."

The landlord gets the benefit of these premises being excluded permanently from the operation of this Act, and if he has lost two months' rent, as my honourable friend says, he gets the benefit of these small premises being excluded from the operation of this Act and the principal Act. He can claim higher rent.

The Honourable Mr. COWASJI JEHangIR: Sir, I rise to oppose the amendment. The honourable member has not perhaps seen the

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amendment of which I have given notice. I explained this to the honourable member Mr. Surve when he moved for the deletion of this section. It was pointed out by him that the wording of this clause may mean the exemption of any tenement from the operation of this Act, for all time. In order to remove this ambiguity, I have circulated the amendment I propose to move. I shall read the clause as it will be when amended :

"If in the case of any small premises of which the standard rent has been fixed the tenant has not occupied the premises for six successive weeks and has failed to pay one month's rent due in respect of the same the premises shall, in respect of such tenant only, be deemed to be excluded from the operation of this Act and the principal Act."

Now, let us deal with the arguments of the honourable mover of the amendment. He wants to substitute two months for six weeks. I think honourable members will remember the underlying object of this amendment. It is that the tenants of single-room tenements should not as they do now, lock up their rooms and clear off out of the city and still be in possession of the tenements. At present the landlord has to go through the whole operation of this Act, which sometimes takes six months with the result that very often the landlord does not get his rent. This was a hopeless state of affairs and Government wished to mend matters to the best of their ability and proposed an amendment. The select committee considered it too severe and thought the landlords may practice zoolum. They redrafted the section as it stands now, according to which if a tenant has not occupied the premises for six successive weeks and has not paid one month's rent the Act does not come into operation but only the ordinary law comes into operation. The landlord cannot in practice evict at the end of six weeks. He has got to serve the tenant with a notice and has to affix it to the doors and it takes three to four months to effect an eviction. Therefore it has been found necessary to curtail the period of absence to six weeks. Mr. President, it would have been put down at two weeks, but it was found necessary to provide that one month's rent should be in arrears, and therefore the period had to be something longer, and the shortest period was six weeks, but in reality it will be anything from two to four months.

Mr. K. F. NARIMAN (Bombay City, South) : I am sorry, Sir, at this opposition. I expected a little more element of humanity from Government. There is no question here of economy—it is not an economic question—there is no question of any serious loss to the millowners or the landlords. It is a pure question of humanity. What is it? All these words and emphatic opposition to extend the period by two weeks, for whom? Not for the literate class of tenants, not for the pleaders and the doctors—about whom my honourable friend Sir Vasantao Dabholkar has so often spoken,—not a matter of the landlords or millowners sacrificing money or undergoing loss,—but for the tenants of small premises, the illiterate working class people, the millhands, in Bombay. Two weeks are asked from Government benches, and so much opposition over this small matter! I do appeal, Sir, let there be a little more element of humanity. Because it happens to come from a certain quarter, should there be so much opposition and so much talk, without looking to the

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point whether it is right or fair or reasonable? The Honourable Member has pointed out the hardship of the landlord. Let me point out the hardship of the tenant. Suppose a poor millhand has gone away to his native place in the mofussil—they all come to Bombay from the mofussil to earn their livelihood—suppose he has gone away in this monsoon season to till his land or any other innocent purpose, and if he happens to remain there a little longer than he expected—they keep away for some time for a week or two, or longer—and he returns a little after six weeks. What is his position? He finds that the landlord has taken proceedings against him for ejectment and probably by the time he returns even the judgment is given, as it will be an *ex parte* hearing and an *ex parte* judgment. When the suits are contested by the tenant and issues are raised, and pleaders are engaged, the suits do take time. But here the case is different. The notice is served *ex parte*, a date will be fixed for the hearing, the hearing will be *ex parte*, there will be nobody to oppose, and there will be a judgment *ex parte* within the next fifteen days, if the British courts are doing their duty as they are expected to do. If they do not do it, because the British Government courts are defective, because they do not do their duties as they are expected to do, therefore, punish the poor illiterate tenants! (Laughter). I assure you, Sir, that if the British courts do their duty properly, there should be an ejectment decree within fifteen days. If that is done, what happens? The poor millhand comes a little later from his native place and he finds his tenement gone, God knows what becomes of his things, and the man will find himself in the streets in Bombay, without any place to cook his food even, without a foot of space and without sufficient clothes! (Laughter). That is not a matter to be laughed at. Without exaggeration, all these things will happen; I do not know what will become of his property, and I do not know where he will find his job. For an extension of two weeks, all this opposition, all this talk, though it is asked for on behalf of a poor millhand tenant! If there is any small element of humanity, let it be shown to this poor tenant. It is not a question, Sir, of pounds, shillings and pence, but it is a question of pure humanity. There may be, I admit, some little hardship or rather inconvenience to a landlord, but very much worse will be the hardship on the poor tenant. Therefore, I do expect that the House will accept my amendment.

The Honourable Mr. COWASJI JEHangIR: Mr. President, my honourable friend Mr. Nariman has not got a monopoly of humanity. There are others, I trust, in this honourable House who also have kind hearts and also understand what it is to be human. But, Mr. President, my honourable friend has certainly not got a monopoly of commonsense. From the way he spoke, one would imagine that this little section, this little clause, was going to inflict the greatest hardship upon the poorest classes of the citizens of Bombay! It is really ridiculous; his whole description of the position is ridiculous. I have explained to the House that these people will get anything from two to six months. We have to put in six weeks at the very least because rents cannot

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be in arrears for less than one month. I have explained the reason. There is no question of humanity, and he says Government opposes the amendment because of the quarter from which it comes. May I point out to the House that only two minutes ago I accepted an amendment moved by my honourable friend Mr. Nariman? And yet he says Government are opposing this amendment because of the quarter from which it comes! Mr. President, we are accustomed to expect all such accusations from my honourable friend.....

Mr. K. F. NARIMAN: I rise to a personal explanation, Sir. My honourable friend need not give vent to his anger on that. I meant some other quarters. I did not mean the Government; I meant the landlords, I meant my honourable friend Sir Vasantao (Laughter).

The Honourable Mr. COWASJI JEHANGIR: I apologise to my honourable friend, sincerely apologise, if he did not mean Government and myself. Having done that, I will sit down.

Sir VASANTAO A. DABHOLKAR: Government is also a landlord so far as the Development Department is concerned (Laughter).

Question put. House divided. Ayes, 39, Noes, 46. Motion lost.

Division No. 14.

Ayes.

ABDULPURIKAR, Mr. N. A.
ADWANI, Mr. D. B.
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
COOPER, Khan Bahadur D. B.
DADAORANJI, Dr. K. E.
DALVI, Mr. E. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
KAZI INAITULLAKHAN
MAVALANKAR, Mr. G. K.
MERTA, Dr. M. M.
MUKADAM, Mr. W. S.

MUKHI JETHANAND PRITAMDAS,
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. D. N.
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKRESI, Mr.
SAHRBA, Mr. H. D.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes: Dr. M. B. VELKAR and Mr. K. F. NARIMAN.

Noes.

ABDUL LATIF HAJI HASBAT KHAN, Mr.
ABERCHROMBIE, Mr. J. R.
ADDYMAN, Mr. J.
ARMAD, MOULVI RAFIUDDIN
ATHAVLE, Mr. S. N.
EARLE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BITURGI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
DABHOLKAR, Sir VASANTAO A.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.

FRANJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAJI KHAMISO GUL MAROMEP
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.

Noes—*contd.*

JEHANGIR, the Honourable Mr. COWASJI	PATEL, Mr. G. I.
KAY, Mr. J. A.	PATHAN, Khan Bahadur JAN MAHOMED
KHURRO, Mr. M. S.	KHAN
LAGHARI, HAJI FAZUL MUHAMMAD KHAN	PETCH, Mr. F. W.
LALUBHAI SAMALDAS, the Honourable Mr.	RAHIMTOOLA, Mr. HOORENALLY M.
LAWRENCE, the Honourable Mr. H. S.	SARDESAI, Mr. S. A.
MANSURI, Khan Sahab A. M.	SAYED GHULAM NABI SHAH
MONTGOMERIE, Mr. A.	THOMAS, Mr. G. A.
MOUNTFORD, Mr. L. J.	TURNER, Mr. C. W. A.
NOOR MAHOMED, Mr.	WADIA, Mr. N. N.
OWEN, Mr. A. C.	WILES, Mr. G.
PAINTER, Mr. H. L.	WOODS, Mr. E. E.

Tellers for the Noes: Sir VASANTRAO A. DABHOLKAR and Mr. HAMID M. ABDUL ALL.

Dr. M. B. VELKAR (Bombay City, South): Sir, the amendment which I wish to move is as follows:

In clause 7 A, in line 4, for the words "one month's" substitute the words "two months'."

Sir, I believe that this provision which has been embodied in the bill is harsher than the original provision, because it gives power to landlords to eject a tenant as soon as he is in arrears for only one month. I think it is too short a period, because it should be taken note of that these premises will be occupied by poorer tenants and persons belonging to the labouring classes. As such, we find that every tenant is supposed to be in arrears for one month. I hope the House will support my amendment.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to support the amendment, and I also want to point out that the result of the rent falling in arrears for one month is that the tenant loses the benefit of the Rent Act. The Honourable the General Member said that there is an amendment standing in his name, of which I have not received a copy, which will alter the clause to read that the premises shall in respect of such tenant only be deemed to be excluded from the operation of this Act and the principal Act. That is, through negligence, if the man falls in arrears for one month, and even if he is prepared to pay the arrears after a period of two months, the premises become decontrolled, and his payment of the arrears to the landlord will not save him. In the original clause 7 it was provided that if the tenant has not occupied the premises for three successive months and has failed to pay the rent due, the landlord could take possession of the premises, and that is a good reason for the landlord to do so. But one month's arrears are no arrears at all, because until the second month's rent falls due, the man can still pay the month's arrears, and it cannot be said that he is in arrears. It is but fair that one month more should be added, so that two months' arrears can be considered to be a good cause for decontrolling the premises. The amendment proposed by my honourable friend Dr. Velkar is quite reasonable, and I hope that the Honourable the General Member will accept it.

The Honourable Mr. COWASJI JEHangIR: Sir, I oppose the amendment of my honourable friend Dr. Velkar for the substitution

[Mr. Cowasji Jehangir]

of "two months" instead of "one month" in section 7 A. If the tenant is away out of Bombay for six weeks and he has not paid the rent for two whole months, then only can the landlord take steps. That is rather illogical. Now, Sir, I quite admit that there are a large number of tenants who are in arrears, but they are generally in possession and are living in the premises. This clause does not apply to them at all. It is only when a tenant leaves Bombay, locks his premises, and cannot be traced that this clause will come into operation. Therefore, the hardship described by my honourable friend Mr. G. B. Pradhan does not apply to this case. If you ask landlords of one room tenements, they will tell you that a large number of tenants are in arrears for one, two and three months, but they are in possession of the premises, they are living there; this clause will not affect them. Now, Sir, the Director of Development will be able to tell you that in some of the tenements, of the Development Department, tenants are in arrears for three and four months, but on account of the Rent Act very few steps can be taken against them. This clause is not coming to the assistance of Government or of any private landlord in such a case. But very often these tenants put a padlock on the room, leave Bombay, and are not traceable. Then, is the landlord to wait for two solid months without rent before he can take any steps? That will mean that he will lose his rent for not only two months, but it may be anything from four to six months. I ask honourable members, is that a fair proposition? And what is the hardship? It is simply in regard to cases where the tenant has disappeared from Bombay and the landlord cannot do anything at all in the matter, that we had to insert this provision in the bill.

Mr. J. BAPTISTA (Bombay City, North): Sir, I rise to a point of order. It has already been provided in section 7 A that if the tenant has not occupied the premises for six weeks, they become excluded from the operation of the Rent Act. The amendment proposes that no action can be taken until two months' rent is in arrears, that is, it makes it eight weeks instead of six weeks. Can this be in order? The amendment comes to this that no action can be taken until the lapse of two months.

Mr. G. B. PRADHAN (Bombay and Thana Suburban Districts): Sir, I cannot understand the point of order which is raised, because the clause required that two conditions must be satisfied: that he must not occupy the premises for six weeks and may not be in arrears for one month. Suppose I am a tenant, and I have failed to pay one month's rent and I have not occupied the premises for six weeks, and suppose at the end of six weeks I return, then the conditions are satisfied and I am decontrolled. At the time I went away, there was only one month's rent in arrears, and I returned within six weeks and I am prepared after returning within six weeks to pay the whole rent. But the two conditions being satisfied, namely that I have not paid one month's rent and that I have been away for six weeks, I am liable to be ejected.

The Honourable the PRESIDENT: The point of order to my mind is clear. It is within the province of the House to amend the clause as

[The President]

proposed. At the time when the tenant leaves, he may be in arrears for a month and during the succeeding six weeks that he is absent he could be in arrears for two months. In that class of cases the amendment as proposed would work. In the other class of cases it would be inconsistent. But as there are some cases in which this section as proposed to be amended would be operative, it is not a question of order, but is a question of merit on which the House should decide the question themselves.

Mr. D. B. ADWANI (Karachi City): Sir, I would like the Honourable the General Member to make clear just one point. The wording of the clause is "has failed to pay one month's rent due"; what I want to know is, within what time has the rent "due" got to be paid? This certainly should be specified; otherwise it would be difficult for courts of law to reckon the period during which the amount is due to be paid. Supposing the rent is due for say one month; will the default commence in the first week or second after the end of the month? No period is mentioned within which the rent is to be paid. This should be made clear in this clause.

Dr. M. B. VELKAR (Bombay City, South): Sir, I do not think I should say much in reply. To my mind this is a very harsh clause. If this clause is carried, 90 per cent. of the small tenants will be dishoused. These are the days of unemployment and therefore taking into consideration the peculiar situation of this city, I think Government ought to accept this amendment.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I must admit I do not quite understand my honourable friend the honourable member Mr. Adwani. From what I make out I think he wants to know when the rent will be due. It will be due after the man has been in possession for one month. If he takes possession on the 1st, the rent will be due on the 1st. If he has left Bombay for six successive weeks, then only can the landlord take steps (Interruption).

The Honourable the PRESIDENT: Order, order. I cannot allow this interruption.

The Honourable Mr. COWASJI JEHangIR: I would like honourable members to understand the position. The point is this. The tenant has to be out of Bombay for six successive weeks and at the end of the sixth week he has to have one month's rent due, that is to say one month's rent has to be unpaid at the end of the sixth week. It is perfectly clear. Two things have to take place. The man has to be out of Bombay for six weeks and there must be one month's rent in arrears, and then this clause becomes operative. If one month's rent is not in arrears then the clause is not operative. That is to say, if a man has paid his rent on the 1st and no rent is due and then he goes away and then after six weeks certainly one month's rent will become due and the clause will come into operation. It is perfectly clear.

Mr. D. B. ADWANI: Suppose a man starts on the first and comes back after six weeks, then he has not paid the rent for the period. And therefore after six weeks he will be due to be evicted.

The Honourable Mr. COWASJI JEHangIR : That is quite clear.

Mr. D. B. ADWANI : That is what we consider to be harsh.

Question put and lost.

The Honourable Mr. COWASJI JEHangIR : Mr. President, I will now ask your permission to move the amendment of which I have given notice, and which will clear the point raised by the honourable member Mr. Pradhan.

"That in clause 7 for the words 'may be' substitute the words 'shall in respect of such tenant only'."

The clause as amended will read as follows :—

"If in the case of any small premises of which the standard rent has been fixed the tenant has not occupied the premises for six successive weeks and has failed to pay one month's rent due in respect of the same the premises shall in respect of such tenant only be deemed to be excluded from the operation of this Act and the principal Act."

That clears it up. It is only meant for that one tenant. All other tenants will be under the operation of the Act.

Question proposed.

Mr. M. R. JAYAKAR (Bombay University) : Sir, I just want to make one point clear. Is it my honourable friend's intention to alter the clause so that if a tenant goes away for six weeks and is in arrears for one month, so that there is a good cause of action against him under this provision and if he comes back in the seventh week of his absence from Bombay, then the landlord is entitled to charge that identical tenant, *e.g.*, three times the amount of original rent? The clause provides if a tenant has not occupied the premises for six weeks and has failed to pay one month's rent, then the premises are no more under the control of the Rent Act. So, it is obvious that in respect of *that* tenant, the landlord will be free to treble the rent. But he is not entitled to do so if a *stranger* comes to take up the room. Is that the position?

The Honourable Mr. COWASJI JEHangIR : Yes. That is the idea. For that one tenant he can do it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I should like to be enlightened on this point. Suppose the tenant returns after six weeks and pays the rent due, still will the landlord be able to say that the room is de-controlled and charge three times the rent? If that is the case, this provision is very harsh on the face of it.

Mr. J. BAPTISTA (Bombay City, North) : Sir, I think it is rather an extraordinary position. If a stranger comes, then he will have the benefit of the Act, but if an old tenant comes back after six weeks' absence and pays the rent due, he is not to have the benefit of the Act. Sir, it ought to be amended in some way or other, to say that he shall have the benefit if he comes back and pays the rent due. Evidently, there must be cases where a person is absent against his will, and if he has failed to pay one month's rent, he is to be penalised. I think Government may take some time over this and bring forward an amendment and not penalise him like that. A position may arise like this. A man pays his rent for January and he goes at the beginning of February and returns after six weeks in March. During that absence he does not

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pay his rent ; but pays the rent due on return. As the clause stands, if he comes a day later, then he is to be penalised. I do not think Government really intend that. They may take some time to find out a better amendment so as not to penalise him in that way.

Mr. L. B. BHOPATKAR (Poona City) : Sir, we may simply interchange the two conditions embodied in the clause. We may read clause 7A in this way :

" If in the case of any small premises of which the standard rent has been fixed, the tenant has failed to pay one month's rent due in respect of the premises and has not occupied the premises for six successive weeks, the premises may be excluded from the operation of this Act.... "

Under the clause as it stands at present, as pointed out by so many previous speakers, there will be this injustice, namely that if the tenant does not come back within six weeks and does not, within the period of six weeks, take care to pay one month's rent, then the premises will be de-controlled. Now, if you simply interchange the two conditions, it will mean that the tenant must have failed to pay one month's rent due at the time he left Bombay. So, I submit, Sir, in order to do away with the injustice, which is clearly noticeable in this clause, the two conditions in the clause may be interchanged.

The Honourable Mr. COWASJI JEHANGIR : Mr. President, by reversing the order of the conditions I fail to see what difference it will make, and I regret that it is not much use. As to the other point raised, the courts will refuse to evict if the tenant is prepared to pay the rent due. If the tenant comes and offers to pay during the proceedings in court it is very seldom that the court will evict. Very often it is seen that the court refuses to evict, and only decides that costs should be paid. Even if the tenement is de-controlled, the courts will refuse to evict a man. Mr. Pradhan will inform you that if a tenant is ready to pay, whether there is a Rent Act or not, the court will not evict him. In these circumstances it is not much use making any further amendment in the amendment I have already proposed.

Question put :

"That in clause 7, in new section 7 A, for the words ' may be ' substitute the words shall, in respect of such tenant only, be deemed to be '."

and agreed to.

Clause 7, as amended, ordered to stand part of the bill.

Clause 8 (*Amendment of section 17 of Bom. VII of 1918*) ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Mr. COWASJI JEHANGIR : Mr. President, with your permission, I will ask that the second reading of the Rent Acts Amendment Bill be taken up to-morrow, after we have had a chance of glancing through all the clauses of the bill as passed.

The Honourable the PRESIDENT : That means that the motion for the second reading should be taken up to-morrow in order to enable Government to consider whether, in view of the many amendments that have been made, any consequential amendments are necessary

[The President]

If any consequential amendments are required, they will be placed before the House to-morrow. If the second reading is carried, only verbal amendments can be made at the third reading. I think the request of the Honourable the General Member is a reasonable one and with the consent of the House I will put off the motion for the second reading till to-morrow.

BILL NO. XI OF 1925 (A BILL FURTHER TO AMEND THE BOMBAY SMOKE-NUISANCES ACT, 1912.)

The Honourable Mr. COWASJI JEHangir: Mr. President, I beg to move that Bill* No. XI of 1925 (A Bill further to amend the Bombay Smoke-nuisances Act, 1912) be read a first time. Mr. President, there is only one clause to this bill. It is the addition of clause 14 to the Smoke-Nuisances Act of 1912. Government appointed a Retrenchment Committee who reported in 1923 and one of their recommendations was that the cost of smoke-nuisances inspection should fall on the municipalities concerned as is the case in England. The honourable members who are acquainted with the District Municipal Act and the Bombay City Municipal Act will already have realised that the abatement of smoke nuisance is one of the obligatory duties imposed upon the Bombay Municipality and the district municipalities under section 61 D of the City of Bombay Municipal Act and under section 54 (1) (c) of the District Municipal Act respectively, and the municipalities are bound to make due provision to carry out this duty as they do in the case of other obligatory duties. Sir, the Boiler Inspection Department and the Smoke-Nuisances Department are now a combined department of Government and the proportionate cost of smoke-nuisances inspection is at present about Rs. 41,100 and it is divided between the different municipalities as follows:—

	Rs.
The cost of preventing smoke nuisance in Bombay	
City Municipal area is	20,150
In Ahmedabad it is	13,500
In Karachi it is	7,100
In Kurla it is	350

It has been proposed to add a new section to the Smoke-Nuisances Act of 1912 whereby the Government can recover from the municipalities within those limits the cost of the operations of the Act. The Act is in operation only in these areas which I have named and nowhere else and therefore no other part of the presidency is affected. According to the recommendation of the Retrenchment Committee, we desire that this honourable House will give Government power to get a refund from those municipalities for the amounts spent for doing their obligatory duties. If the municipalities should perform those obligatory duties, to the satisfaction of Government, then Government will not want to

* *Vide Appendix E.*

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go into their areas, but it would be much more convenient, considering that Government have got powers under a special Act, to allow Government, as they are doing at present, to prevent smoke-nuisances all over the presidency. I have nothing further to state. If there are any objections raised to this bill and if this House desires that the bill should be submitted to a select committee, I will be very pleased to do so, but if the honourable House is satisfied that there is nothing contentious in this bill, perhaps they will allow us to take it through all the three stages.

Question proposed.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, on a point of information, Sir, I want to ask the Honourable the General Member whether it is not a fact that under the Smoke-nuisances Act of 1912, section 9, there is a penalty of the nature of a fine levied from those who offend against that Act. As that Act stands at the present moment, these fines go into the coffers of Government and the Government likewise bear the expenses of the administration of the Act. Under clause 14 as proposed to be amended by the bill before us, the municipality will bear the cost of the administration of this Act and yet under section 9 which remains unaltered, all the fines which are levied from persons who offend against the Act, will go into the coffers of Government. Is it not anomalous that Government should pocket all the fines which accrue from the administration of this Act and the cost of such administration should be borne by the municipality? My honourable friend, Mr. G. B. Pradhan, draws my attention to section 13 of the Act of 1912, which makes my point perfectly clear, in so far as it lays down that "all fines recovered under this Act shall be disposed of in such manner as the Government may direct". Therefore, I submit, Sir, that there should be a corresponding amendment of the Act, and the principle should be followed that he who bears the burden of the administration will also have its benefit. I hope, Sir, that the Honourable the General Member will consider this point, and see that the necessary amendments are made before this bill comes before this House again. Until this is done, I think, Sir, that this bill will be one-sided.

Rao Saheb D. P. DESAI (Kaira District): Sir, I oppose this bill. The Honourable the General Member stated that this bill has been brought before the House in pursuance of the recommendation of the Retrenchment Committee. The Retrenchment Committee have made so many proposals such as the abolition of the commissionerships of divisions. Before giving effect to any of the other proposals, how can the Honourable the General Member come before the House with this bill and penalise municipalities and local authorities for nuisances not of their making but of the making of the Government themselves.

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce): Sir, I have one more point to add to that made by the honourable member Mr. Jayakar. The statement of objects and reasons does not seem to be quite complete. It says: "The cost of administration of the Bombay

[Mr. V. A. Grantham]

Smoke-nuisances Act, 1912, is at present borne by the general revenues". In point of fact the work is done by the Boiler Inspection Department who charge fees. These fees are paid by factories situated all over the presidency and not only by those situated in municipalities where smoke nuisances occur. These fees were raised in 1923 expressly in order to pay for smoke nuisances.

By referring to the budget of 1925-26, I find that the cost of boiler inspection is estimated to come to Rs. 1,89,000, while Government expect to get Rs. 1,74,000 in boiler inspection fees. That leaves a margin of Rs. 15,000 which Government will have to recover. We have been told that the cost to the municipalities will be Rs. 41,000 which means that if the bill is passed, there will remain a balance of Rs. 26,000 in favour of Government. Are we to understand that the boiler inspection fees will be reduced to this extent if we consent to pass this bill.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to oppose this bill. Government ought to have consulted the Bombay Municipality before bringing any such legislation. The Honourable the General Member stated that the Retrenchment Committee recommended to Government that this cost should be borne by the local bodies. The Bombay Municipal Corporation is advised by the retrenchment officer not to undertake any more liabilities. Furthermore, the honourable member, the leader of the Swaraj party, pointed out that Government wishes that the municipality should carry on the administration and the Government should pocket all the fines. I wish to bring to the notice of the House that the railway workshop between Dadar and Matunga was located there against the wishes of the Corporation. The Corporation wanted that piece of land for the construction of buildings on the advice of the Development Committee; in spite of that Government handed over the plot to the Railway for erecting their workshops which is the cause of so much smoke nuisance and now wants to throw the burden of stopping the smoke nuisance on the Corporation. Under these circumstances, I do not see any reason why Government should saddle the Corporation with an expenditure of Rs. 41,000. The Honourable the General Member referred to section 61D of the Municipal Act. What I find is that there are the reclamation of the unhealthy localities, the removal of noxious vegetation, and I do not see in that section anything about the smoke nuisance. I strongly oppose this bill.

Mr. J. BAPTISTA (Bombay City, North): Sir, I am surprised that the usual procedure of consulting the Corporation in such cases where the liability of cost is transferred to it has not been followed with regard to this bill. It raises a very important point so far as the Corporation is concerned. You know, Sir, that it has been laid down by Lord Ripon that there should be no contribution without control. The Honourable the General Member states that the Corporation should pay about Rs. 50,000 towards the cost. That is to-day, but what will happen to-morrow we do not know. Whenever Government want to effect retrenchment, they are very anxious to transfer the liability for

[Mr. J. Baptista]

payment on others without consulting them. The Corporation and other municipalities who are liable to pay the cost will not do so without any right to control. This principle, that there should be no contribution without control, has been accepted by Government. Therefore I do not think this should be passed. The Government must transfer the power to control also along with the liability to pay.

Another extraordinary point is that all fines collected must go to the pocket of Government. It is necessary to amend the section in such a way as to make the fines recoverable by the Corporation.

Lastly, the municipalities must have the power to levy a certain rate to abate this smoke nuisance, though it may mean additional liability on millowners. Until Government make suitable amendments in the sections of the Act and consult the Corporation and other municipalities concerned, the first reading of this bill should be adjourned.

Mr. D. R. PATIL : Sir, I wish to make a proposal that Monday, the 3rd of August, may be allowed as a holiday. My reasons are these : The coming Saturday is a holiday and the following Sunday also is a holiday and we cannot meet. On Tuesday also we have got a holiday. If we get a holiday on Monday, those honourable members who are desirous of going to their places can conveniently get to their places. I hope honourable members will accept the proposal.

The Honourable the PRESIDENT : Is it the wish of honourable members to have a holiday of one day so that they may be off duty for four consecutive days ? Before they respond to the question, honourable members must remember that the effect of the proposal will be the extension of the session by one day. I have ascertained that there is a general feeling to that effect in the House. I ask whether it is the pleasure of honourable members that the House should adjourn from Friday to Wednesday ?

(Honourable MEMBERS : Yes.)

Khan Bahadur S. N. BHUTTO : It will be hard for the Sind members

The Honourable the PRESIDENT : I have already decided the question. The convenience of an overwhelming majority of the House has got to be consulted. The session will only be extended by one day.

The House will now adjourn till 2 o'clock to-morrow, Thursday, the 30th July 1925.

Thursday, the 30th July 1925.

The Council re-assembled at the Council Hall, Poona, on Thursday, the 30th July 1925, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
ATHAVLE, Mr. S. N.
BAPTISTA, Mr. J.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHOPTKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DELVES, Mr. R. H. A.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRANJJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GRANTHAM, Mr. V. A.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.

JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KAMBLI, Mr. S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHRO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LAGHARI, HAJI FAZUL MUHAMMAD KHAN
 LALJI NARANJI, Mr.
 LALUBHAI SAMALDAS, the Honourable Mr.
 LAWRENCE, the Honourable Mr. H. S.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, Dr. M. M.
 MONTGOMERIE, Mr. A.
 MOUNTFORD, Mr. L. J.
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 MUKHI JETHANAND PRITAMDAS
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NARIMAN, Mr. K. F.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PAINTER, Mr. H. L.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PETCH, Mr. F. W.
 PIR RASULBAKSH SHAH
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED MUHAMMAD KAMIL SHAH
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.

SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. N. N.
 WILES, Mr. G.
 WOODS, Mr. E. E.

Motion for Adjournment.

The Honourable the PRESIDENT: Order, order. I have received intimation from the honourable member Mr. Bole of his intention to ask the leave of the House to allow him to move a motion for the adjournment of the House. The motion he wishes to move is as follows;

"In view of the grave situation in which the Bombay Cotton Textile Industry finds itself and the possible effect of the decision of the Millowners' Association to reduce wages of their workmen which will affect a lakh and fifty thousand operatives of Bombay and their families and also the effect of this situation on the welfare of the Presidency as a whole this Council earnestly requests His Excellency the Governor in Council to be pleased to place the gravity of the situation before His Excellency the Governor-General in Council urging him to take such steps as would bring immediate relief to the mill industry and the operatives working therein."

The honourable member has obtained my consent as required by the Rules. I will now call upon him to ask for the leave of the House to allow him to move this adjournment motion.

Mr. S. K. BOLE: Sir, I beg permission to move the adjournment of this Council for the.....

The Honourable the PRESIDENT: The honourable member has got to ask for the leave of the House.

Mr. S. K. BOLE: Sir, I ask for leave of the House to move an adjournment of this Council for the purpose of discussing a definite matter of urgent public importance, namely:

"In view of the grave situation in which the Bombay Cotton Textile Industry finds itself and the possible effect of the decision of the Millowners' Association to reduce wages of their workmen which will affect a lakh and fifty thousand operatives of Bombay and their families and also the effect of this situation on the welfare of the Presidency as a whole, this Council earnestly requests His Excellency the Governor in Council to be pleased to place the gravity of the situation before His Excellency the Governor-General in Council urging him to take such steps as would bring about immediate relief to the mill industry and the operatives working therein."

The Honourable the PRESIDENT: Has the honourable member the leave of the House? Does any honourable member wish to object to leave being granted?

I take it that no one objects. The leave is granted, and the motion will be taken up at 4 o'clock as required by the Rules. The House will adjourn for the tea interval at half-past three.

(Further consideration of Bill No. 1 of 1925—A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918, resumed.)

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, before the second reading is taken up, I beg to bring to your notice that there is a consequential amendment necessary to clause 8 in view of the amendments made to clause 4 (2) (6) yesterday.

The Honourable the PRESIDENT: I understand that there is a consequential amendment to clause 5. Let that be taken up first.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I find that there is a consequential amendment required in schedule B, clause 5. You, Sir, will remember that we added at the bottom of schedule A, in column 2, the words "the talukas of North and South Salsette". I find the proper definition is "the taluka of South Salsette and the peta of North Salsette". That is the official designation. With your permission, Sir, and the permission of the House, I beg to move:

"In clause schedule A, column 2, for the words 'and the talukas of North and South Salsette', the words 'the taluka of South Salsette and the peta of North Salsette' be substituted."

Question put and carried.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I beg to move:

"In clause 5, schedule B, in column 2, add at the end after 'In any place in which the Act is in operation except the municipal district and cantonment of Karachi' the following words: 'the taluka of South Salsette and the peta of North Salsette'."

Question put and carried.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I beg to move:

"In clause 8, for sub-section 5 of section 17 of the subsidiary Act, substitute the following:

- (5) Nothing in sub-sections (1) and (2) shall apply in the case of any premises—
- (a) (i) which have been specially certified for the purposes of this Act to be in a ruinous or dangerous condition, in the case of the city of Bombay by the municipal commissioner for the city of Bombay, and in the case of any municipal or notified area by the municipality or the notified area committee, or
 - (ii) which, being situated in a cantonment, have been so certified to be in an insanitary state or unfit for human habitation by the cantonment authority, and
 - (b) in respect of which notice has been issued under section 354 of the City of Bombay Municipal Act, 1888, by the said Commissioner, or under section 119 of the Bombay District Municipal Act, 1901, by the municipality or notified area committee, or under section 140 or 142 of the Cantonments Act, 1924, by the cantonment authority, to the owner or occupier of the said premises."

As I just now said, it is a consequential amendment.

Question put and carried.

The Honourable Mr. COWASJI JEHangIR: Sir, I beg to move that Bill No. 1 of 1925 [A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918 and the Bombay Rent (War Restrictions No. 2) Act, 1918] be read a second time.

Bill read a second time. Question put and carried.

The Honourable the PRESIDENT: The bill is read a second time.

The Honourable Mr. COWASJI JEHangIR : Sir, I beg to move that Bill No. I of 1925 [A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918] be read a third time and passed.

Third reading. Bill read a third time. Question put and carried.

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

BILL No. XI OF 1925 (SMOKE-NUISANCES ACT AMENDMENT BILL).

(Further consideration of first reading of Bill No. XI of 1925—A Bill further to amend the Bombay Smoke-nuisances Act, 1912—resumed).

The Honourable Mr. COWASJI JEHangIR : Mr. President, when we discussed last evening, my honourable friend.....

The Honourable the PRESIDENT : The honourable member has moved the first reading. He has now only the right of final reply. He cannot speak in the middle.

The Honourable Mr. COWASJI JEHangIR : I just want to make a statement. Yesterday my honourable friends Sir Vasant Rao, and Mr. Baptista said that Government had not obtained the opinion of the corporation on this bill. I may remind my honourable friends that if they had looked into the records of the corporation they would have found that the opinion of the corporation had been obtained, and the corporation by a resolution had approved of this amendment. It was communicated to Government on the 17th of March 1924, and the resolution of the corporation was No. 11582, dated 6th March 1924.

I have further to say that in view of the opposition offered to this measure and in view of the amount of work that is on the agenda, and further in view of the fact that Government would like to consider the matter again very carefully, Government desire to postpone the further consideration of the bill.

Consideration of the bill postponed.

BILL No. XII OF 1925 (A BILL FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879).

The Honourable Mr. COWASJI JEHangIR : Mr. President, I beg to move that Bill* No. XII of 1925 (A Bill further to amend the Bombay Port Trust Act, 1879) be read a first time. The Bombay Port Trust have at present no liability or responsibility in respect of goods landed at night. The trustees have come to the decision that such a state of affairs should no longer prevail in a modern port like Bombay, and they are in a position to take charge of goods, whether landed by day or by night. But if they take upon themselves this responsibility, they are further of opinion that they should not do so for more than seven clear days and, that if the owner fails to remove them within seven days the goods shall remain on the premises of the Board at the sole risk and expense of the owner. It has been

*Appendix F.

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found that it is not possible to limit the liability of the Port Trust to seven days without an amendment of the Act. It is therefore proposed to add a new section after section 61 of the Bombay Port Trust Act of 1879. Government are informed that the Bombay mercantile community are in agreement with the new principle and this amendment is therefore not a controversial one. In the first part of the new section, it is provided that the trustees shall take in their charge all goods, whether they be landed during the day or at night, and in the second clause of that section it provides that the trustees will not be responsible for any goods if the owner of the goods does not remove them from the Board's premises within seven clear days. I think this amendment of the Act is a distinct advance and has met with the approval of the commercial community of Bombay as I have already mentioned. I see no reason why this honourable House or Government should object to carry out the wishes of the trustees. I trust the House will pass all three readings of this bill to-day.

Question proposed.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Sir, I would like to draw the attention of the Honourable the General Member to certain difficulties which mofussil merchants are likely to be put to if the period of seven clear days is allowed to be retained in the clause. In many cases mofussil merchants do not receive intimation of the landing of their goods for four or five days and in the event of contractual discrepancies arising it takes certainly more than seven days to get the matter settled. If the Honourable the General Member will therefore be pleased to increase the period of seven days by, say, three or four days, the difficulty of mofussil merchants will be obviated.

The Honourable Mr. COWASJI JEHangIR : Mr. President, the number of seven days has been provided by the trustees after very mature consideration and I strongly advise the House to leave this number as it is and not to change it. The Indian Merchants' Chamber were asked for their opinion and they have expressed their opinion in favour of the amendment. If it is the desire of the House that this bill should go to a select committee, I have no objection, but I would like a more distinct pronouncement from the House than the opinion of one honourable member as to whether they desire this bill to go to a select committee or whether they desire to pass all the three readings to day.

Bill read a first time. Question put and carried.

The Honourable the PRESIDENT : As regards the next motion, the Honourable Member in charge of the bill is entitled to move that the bill be read a second time. Any honourable member can then move an amendment that the bill be referred to a select committee. That is the procedure laid down in the Rules and Standing Orders. Unless the Honourable the General Member is prepared to move that the bill be referred to a select committee, the procedure I have indicated will have to be followed.

The Honourable Mr. COWASJI JEHangIR : Sir, I beg to move that this bill be read a second time. I personally do not see any necessity for this bill to go to a select committee. I have just now been informed by one of the trustees, Sir Lawless Hepper, that all mofussil firms have their agents in Bombay and therefore such firms are not in direct communication with the port authorities in clearing their goods. Mofussil firms do not directly clear their goods but their agents in Bombay do so, and therefore they will be exactly in the same position as any firm in Bombay. If the honourable House still desire that this matter should go to a select committee, Government have no objection but some honourable member will have to move for a select committee. I would still request the House, considering the amount of time that legislation takes, to pass all the three readings to-day.

Question proposed.

The Honourable the PRESIDENT : I was just going to suggest how the time of the House can be saved and a reference to a select committee can be avoided. The difference of opinion is only in regard to a few words in one clause. As the bill will have to be considered clause by clause after passing the second reading, I will permit the honourable member, Mr. G. I. Patel, to move an amendment to that clause and let the House decide whether the period should be seven days or ten or eleven days. No reference to a select committee is required and no delay need take place. Instead of a select committee, let the House itself decide what should be the period.

If the motion for the second reading is carried, I will put the bill clause by clause and then the honourable member can, when that particular clause to which he refers is reached, move his amendment.

Bill read a second time. Question put and carried.

(Bill read clause by clause)

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

Clause 2 (*Insertion of new section 61A in Bom. VI of 1879*) :—

After section 61 of the Bombay Port Trust Act, 1879, the following section shall be inserted, namely :—

"61A. (1) The Board shall, immediately upon the landing by them of any goods, take charge thereof, except as may be otherwise provided in the bye-laws, and store such as are liable in their opinion to suffer from exposure in any shed or warehouse belonging to the Board.

(2) If any owner, without any default on the part of the Board, fails to remove any goods, other than those stored in the warehouses appointed by the Board for the storage of duty-paid goods or in warehouses licensed under section 16 of the Sea Customs Act, 1878, from the premises of the Board within seven clear days from the date on which such goods shall have been landed, such goods shall remain on the premises of the Board at the sole risk and expense of the owner, and the Board shall thereupon be discharged from all liability thereto fore incurred by them in respect of such goods."

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Sir, I beg to move an amendment as under :—

"In line 12, clause 2, delete the word 'seven' and insert instead the word 'eleven'."

I regret to find that the Honourable the General Member has not tried to take into consideration the difficulties of mofussil merchants who import

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goods to the extent of several lakhs of rupees every month and who need to safeguard their own interests in the matter of payment and deliveries. It is not a fact that all of the mofussil merchants, as stated by the Honourable the General Member, have got their agents in Bombay. Their agents in Bombay are agents only to take delivery of the goods from the docks after obtaining documents from the banks, but in the case of indents and in case of drafts drawn upon mofussil merchants, the drafts are to be signed by the mofussil merchants, then returned to the bank and then the bank has to hand over the documents on receipt of full amounts to the clearing agent or to the agent of the merchant in order to enable him to approach the trustees and to take delivery of the goods. So all these processes do take place possibly in some cases before the steamer arrives and in some cases some days after the steamer lands its goods. In some cases it is very difficult for mofussil merchants to make up all these differences within a short period of seven days. Therefore, in order to meet the time passed in correspondence that has to be carried on between the agent in Bombay and the merchants in the mofussil, or between the exchange banks in Bombay and the merchants in the mofussil, it is necessary that at least eleven days' time ought to be given, as two or three days are generally passed in carrying on initial correspondence and by the time the correspondence is finished and we obtain settlement we generally require two or three days more, and then only we are able to receive documents and to take delivery from the docks. These are the special difficulties that we mofussil merchants experience, and when seven days are given in the case of merchants who are in Bombay, when seven days are considered as sufficient for those merchants who are actually in Bombay with their offices and their agents in Bombay, having facilities to pay cheques in Bombay, on the very face of it it is very clear that for those people who are residing 300 or 500 miles away from Bombay there ought to be at least eleven days on the ground of seven days being considered sufficient for merchants in Bombay. On the strength of this special argument I hope the Honourable the General Member will be kind enough to accept this amendment.

Question proposed.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the amendment. I would fully endorse every word of what my honourable friend Mr. Patel says, and simply one argument is sufficient to convince this House, and that is that when seven days are given to the resident merchants in Bombay—merchants actually residing in Bombay—I do not think this House will grudge to give eleven days to merchants in the mofussil. Sir, I belong to the class of merchants who will be affected by this provision and I hope the amendment will be accepted by the Government and by the House.

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce): Sir, I rise to oppose the amendment. Speaking from memory my impression is that the Bombay Port Trust, in fixing the limit of seven days, gave consideration to the point mentioned by the honourable member who has proposed this amendment. I would remind the House that there is only

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one port in this country where goods are at present landed by night, and where the Port Trust accepts liability, and that is Calcutta. The time allowed for clearance in Calcutta is three days, not seven. The time has been fixed in Bombay as seven days to meet the convenience of all merchants. I submit, Sir, that it is very hard and unbusinesslike to ask the Port Trust to give more than seven days' time. I oppose the amendment.

Mr. G. K. MAVALANKAR (Ahmedabad City): I move that this amendment be referred to the select committee.

The Honourable the PRESIDENT: The honourable member cannot do that, as the second reading is passed.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I support the amendment. The facility demanded is so small that an extension of four days may be accepted by the Honourable the General Member. I do not think it will be any great hardship on the Port Trust. As the Honourable the General Member himself knows, some time elapses after a steamer arrives in Bombay before intimation is sent to the merchants, particularly to mofussil merchants, and information is communicated sometimes a day or two later. To the mofussil merchants it is a great hardship, because they cannot even know the probable date of arrival of the steamer. I do not think the House should grudge a four days' time for the convenience of the mofussil merchants.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I have nothing special to reply. But with reference to what my honourable friend Mr. Grantham has said, I might say that it is the custom in such matters that opinions of other mofussil bodies—all the industrial bodies concerned—are invited, and in this case I find that such opinions were not invited by the Port Trust or Government. Hence it is not possible that all the difficulties experienced by both the Bombay people and the mofussil merchants could have been considered adequately by them before this decision was arrived at.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I regret I cannot accept the amendment for more than one reason. Firstly, from the papers before me I find that the trustees of the port of Bombay have given full consideration to this question and they have deliberately come to the conclusion that seven days are sufficient. I should think that in a matter of this sort my honourable friends would trust the judgment of the trustees of the port of Bombay. My honourable friend Mr. Lalji Naranji is a trustee and he was a party to the resolution of the board fixing seven days. He talks about not knowing when a boat arrives and that information is communicated a day or two later. It is seven days after the landing of the goods, and not seven days on the arrival of the steamer. Well, Sir, I regret that I cannot accept the amendment for more than one reason, and that is that I cannot saddle the Port Trust with the responsibility of holding these goods for four days longer than they themselves are willing. My honourable friend's amendment means that the trustees will be financially responsible for these goods

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for four whole days more than they themselves consider necessary, that is, eleven days instead of seven. Under these circumstances, I regret I cannot see my way to accept the amendment.

Question put. House divided. Ayes, 45; Noes, 40. Motion carried.

Division No. 15.

Ayes.

ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
ANGADI, Mr. S. N.
BHOPATKAR, Mr. L. B.
COOPER, Khan Bahadur D. B.
DALVI, Mr. B. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KARKI, Mr. M. D.
KAZI INAITULLAKHAN
KOTHARI, Mr. V. R.
LALJI NARANJI, Mr.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKHI JETHAMAND PRITAMDAS
NANAL, Mr. B. R.

NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
RAHINTOOLA, Mr. HOUSENALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAL, Mr. S. A.
SHANKARRAO JAYABAMRAO ZUNZARRAO,
Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes: Khan Saheb A. M. MANSURI and Mr. LALJI NARANJI

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
ATHAVLE, Mr. S. N.
BARLEE, Mr. K. W.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan
Bahadur SHAIKH
GRANTHAM, Mr. V. A.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALLI, Mr.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HOTSON, Mr. J. E. B.

JADHAV, the Honourable Mr. B. V.
JATOI, Khan Saheb KARIMBAKSH
JEHANGIR, the Honourable Mr. COWASJI
KAY, Mr. J. A.
KHUJRO, Mr. M. S.
LAGHARI, HAJI FAZUL MUHAMMAD KHAN
LALUBHAI SAMALDAS, the Honourable Mr.
LAWRENCE, the Honourable Mr. H. S.
MONTGOMERIE, Mr. A.
MOUNTFORD, Mr. L. J.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATHAN, Khan Bahadur JAN MAHOMED
KHAN
PETCH, Mr. F. W.
SAYED GHULAM NABI SHAH
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WILES, Mr. G.
WOODS, Mr. E. E.

Tellers for the Noes: Mr. V. A. GRANTHAM and Mr. J. A. KAY.

Clause 2 as amended ordered to stand part of the bill. Preamble ordered to stand part of the bill.

The Honourable Mr. COWASJI JEHangIR: Government do not propose to proceed with the third reading of the bill now.

**BILL NO. XIII OF 1925 (AN ACT TO IMPOSE A TAX ON
TOTALISATOR BETTING).**

The Honourable Mr. H. S. LAWRENCE : Sir, I rise to propose that
the bill* for the taxation of betting on the
totalisator be read a first time.

First reading :

Last February in the budget speech I explained to this House—I trust that explanation may still be within the memory of some honourable members—that this bill was under preparation. I also explained the circumstances which had delayed its preparation and its being brought before the House at an earlier date. No adverse comments were made at the time of the budget discussion on that matter and I therefore assume that the House was satisfied with regard to the promise of its introduction.

Now, Sir, the object of this bill is to impose a tax on all monies that are paid into the totalisator at race courses within the city of Bombay and the Cantonment of Poona ; and power is taken to extend the terms of the Act to other race courses which may arise in future. This is a form of taxation which provincial governments have had allotted to them under the Scheduled Taxes Rules. The third item in the first schedule appended to these rules is a tax on any form of betting or gambling permitted by law. At present the only form of betting permitted by law on licensed race-courses in this presidency is betting by means of a well known (too well known to some honourable members of this House) contrivance known as a totalisator within enclosures set apart for the purpose under the terms of the license held by the licensee. The betting takes place on the day of a race-meeting between individuals attending the race meeting on the one hand and the licensee, through his employees, on the other hand upon the result of the races run at a meeting. Large sums of money are paid by backers into totalisators. The licensee of the race course—at present we are only concerned with the Western India Turf Club—retains for himself a certain percentage of such monies—at present 10 per cent.—and pays out the balance to the backers who have been successful in prognosticating the results of the various races. The share of the monies paid into the totalisators which the Western India Turf Club retains to itself contributes largely to the profits of the club and is used for the management of the race course and the grant of prize money to the owners of the horses.

Now what this Government propose to take is a percentage on all monies paid into the totalisator. Ultimately the percentage will be 4 per cent. But as the Turf Club has at present large commitments in the way of altering and improving its courses, it is not proposed to levy the maximum percentage immediately. The Governor in Council has reserved to himself under section 5 of the bill the power to alter the percentage by notification from time to time according to circumstances. Such percentage of the monies paid will be deemed to have been paid by backers on account of the totalisator tax and shall be received by the licensees on behalf of Government. Due provision has

* Appendix G.

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been made in the bill to ensure that the tax will be handed over to Government. A somewhat technical description is necessary because of the demand that might otherwise be made by the Government of India in the matter of income tax and we have to take care to protect the revenues of this House. Due provision has been made in the bill to ensure that the cash will be handed over to Government by the licensee.

Now as regards the maximum percentage, it is the same as that adopted in similar legislation by the Government of Bengal. A tax on totalisator takings exists in most of the British Colonies and in many European countries. In every case a percentage of gross takings is levied varying from 2 per cent. in Transvaal to 5 per cent. in West Australia, 7 per cent. in France, 10 per cent. in Belgium and in Italy and 16½ per cent. in Germany.

Apart from moral considerations, which I shall discuss later, it seems hardly necessary to justify a tax on this particular amusement, namely betting. Some members of the community who cannot afford to indulge in betting may do so. But there can be little doubt that the indulgence of large members indicates the possession of superfluous wealth. (Hear, hear.) The State is justified in intervening so as to divert a part of such wealth into its own coffers. As regards individuals who cannot afford to bet but do so, the fact that a tax on betting may tend to make it more difficult for them to do so is perhaps not altogether a bad thing. We do not profess to teach morality in this House; still if in the course of our proceedings morality is encouraged it will be none the worse. A tax on alcohol does to an extent, proportionate to the magnitude of the tax, reduce the consumption of licit alcohol. Few people would oppose such a tax on this ground. Of course, it is undesirable to make a tax either on betting or on alcohol so large that it will encourage indulgence in illegal betting or illicit alcohol.

The tax proposed in this bill will, in my opinion, have little effect either by way of discouraging the betting permitted by law on race courses or by way of driving backers into illegal gambling outside race courses. Suppose one lakh of rupees is paid into the totalisators in connection with a particular race. Now, out of this proposed amount Rs. 4,000 will be set aside for payment to Government. The licensee of the race course will take, let us say 10 per cent. of the remainder, *i.e.* Rs. 9,600. The balance, *viz.*, Rs. 86,400 will be available for distribution amongst winners. The dividend paid to the winners will be reduced by 4 per cent. A dividend of Rs. 15 will be reduced to Rs. 14; one of Rs. 50 to Rs. 48; one of Rs. 100 to Rs. 96. It is very doubtful whether this reduction will be noticed by backers, who regard a dividend paid to them by the totalisator as a windfall. It is certain that no weight will be attached to the reduction by the backers who know, or think they know, certainties. The misfortune of losers cannot be in any way affected by the magnitude of dividends paid to the more fortunate. The fact that an increased percentage of the gross takings is withheld from winners may have a psychological effect which will prevent a certain number of cautious backers from backing uncertainties. It will have little effect

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on the incautious and is not likely to drive gambling on horse-races into illegal channels. That is the great danger we have to guard against. Of course it will be for the Turf Club, looking to all the circumstances, to determine what percentage of the gross takings should be retained for their own purposes. In fixing the percentage they will doubtless consult their own interests. But I doubt if the Turf Club need suffer much. If they continue to levy 10 per cent. of the difference between the gross takings and the amount of the tax, an income from the totalisator of Rs. 10,000 will be reduced to Rs. 9,600. This reduction amounts to 4 per cent. only. But as income and super tax will be reduced in proportion the net reductions should only be 2 per cent. If the Turf Club decide not to deduct more than 10 per cent, including the tax, from the gross takings, no additional burden will be imposed upon backers by the tax.

Now, Sir, I turn to arguments based upon moral considerations which may be urged against this legislation. It is hardly necessary in this connection to discuss the question whether betting on race-courses should be permitted. We must recognise the facts as they are. Betting by means of the totalisators is legal; it was legalized by the Act passed 10 or more years ago. Therefore it would not be practical politics to make such betting illegal. Horse-racing is certainly a very popular pastime, and betting in connection therewith, whether it is legal or illegal, appears to be inevitable. The uncertainty of things and the excitement aroused by a close finish make an irresistible appeal to an instinct which exists in most human beings to whom life itself often seems a matter of chance. Again, racing upon which the maintenance and improvement of horse-breeding so largely depends, would with difficulty be continued without the betting associated with it. To the practical man, therefore, the essential thing would seem to be that such betting should be made as healthy and fair as possible. If all betting were made illegal and horse-racing could still continue, it would, in the opinion of those most competent to express an opinion, be impossible to prevent betting of the most pernicious kind from being rampant.

As I have said before, we have to face the facts of this wicked world as they are. While betting is legal, there is no reason in morality or common sense that we can see why Government should not tax it. Already the Government of India obtains indirectly a considerable revenue from legal betting in the form of income tax and super tax levied on the profits of the Western India Turf Club. Why should not the Government of Bombay also get a share of the money which is spent on such betting? Why should we not intercept, as we are perfectly entitled to do, a share of this money that for the last few years has been going to the Government of India? The existence of these race courses involves the local Government in expenditure of various kinds, and we are entitled, in the interest of the ordinary taxpayer, to recoup that expenditure.

By this proposed tax, Government will gain certain revenues at the expense of two classes of people, namely, winners whose dividends are returned by the totalisators, and the Western India Turf Club; and incidentally, the Government of India will lose to the extent by which

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its takings are reduced in the form of super tax and income tax. I submit, Sir, there is nothing whatever in reason to justify this Government forgoing the advantage which would be gained by the legislation which I have the honour to propose.

There is one other point to which I should invite special attention. It is proposed in this bill to reduce the entertainments tax levied on entrance money paid at race-courses from 50 per cent. to 25 per cent. It has been felt that so long as race meetings are legal, there exists no reason for discrimination against this particular form of amusement. This is a question which should be considered quite independently of the question of betting. By all means tax betting, but do so directly, if possible. Otherwise, those individuals who love sport for the sake of sport and do not go to the race courses for the sake of betting, will be penalised. This rate of 50 per cent. at present levied by way of entertainments tax is, the House will remember, more than twice as high as the rate of entertainments tax levied on other places of amusement.

As for those persons who are opposed to a tax on betting on moral grounds, they must, if logical, oppose any such tax whether it be direct or whether it be indirect. They will not, therefore, see anything incongruous in the proposed reduction of the entertainments tax in respect of race meetings to the percentage which is levied under the law in respect of other kinds of entertainments. I may say further that it is extremely improbable that, as a result of reducing this tax from 50 per cent. to 25 per cent., the revenue which we gain from entrance fees will be reduced in anything like the same proportion, for the entertainment will be cheaper and will attract more people. The present higher rate of entertainment tax in respect of these race meetings must be regarded as due to the fact that betting is associated with this particular kind of entertainment. The House may remember the circumstances in which that figure was raised to 50 per cent. But it is superfluous and inconsistent with precedent to impose a particular kind of tax twice over, once as a direct tax and again as an indirect tax. If you are going to tax betting on the totalisator, it is not consistent to levy so high a tax on the people who enter the race courses. It is estimated that the loss of revenue by this reduction of the entertainments tax may perhaps amount to a lakh or a lakh and a half of rupees, while the tax on betting through the totalisator is estimated in the current year to yield Rs. 6 lakhs, and in future years we hope it may rise, with the prosperity of Bombay, to an amount of not less than Rs. 20 lakhs.

Sir, I propose the first reading of the bill.

Question proposed.

The Honourable the PRESIDENT: Before I allow honourable members to address the House, I should like to point out that there are several amendments of principle of which the honourable member Mr. Surve has given notice. I do not know whether it is the desire of Government to proceed with the full discussion of these amendments, or whether they are prepared to give an assurance that the question of principle and detail will not be raised at the second reading. If they do so, the honourable member Mr. Surve may be persuaded to withdraw his

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amendments now. The matter can then be discussed in the select committee, and the whole question may be argued on the occasion of the second reading.

The Honourable Mr. H. S. LAWRENCE: If it is the desire of the House to have a select committee, certainly Government will have no objection at all.

The Honourable the PRESIDENT: I suppose no point of order as regards principle and detail will be raised.

The Honourable Mr. H. S. LAWRENCE: No, Sir.

The Honourable the PRESIDENT: In view of that assurance, I think the honourable member Mr. Surve might not press his amendments on this occasion. They will be allowed on the second reading.

Mr. A. N. SURVE: If my amendments will be committed to the select committee for consideration, I will not press them at this stage, but I reserve to myself the right of moving them at the second reading, if necessary, and I hope that no objection will be raised at that time.

The Honourable the PRESIDENT: The select committee will consider them, and the honourable member will be able to move them, if he likes, at the second reading without any point of order being raised on the question of principle. I understand that on that assurance the honourable member does not propose to move them now.

Mr. R. G. PRADHAN (Nasik District): Sir, I have carefully considered this bill, and also studied the history of the past legislation bearing on this subject, and I confess, my view of this bill is in the main influenced by moral considerations, and therefore I think it is my duty to oppose this bill. The honourable House knows very well that on more than one occasion I have made it perfectly clear that I am not opposed to additional taxation because it is additional taxation. I am one of those, on the contrary, who believe that even with the attainment of full Swaraj, with complete Indianisation of the services and with such economy and retrenchment as will be found feasible, additional taxation will be found to be inevitable, if a high standard of administrative efficiency is to be maintained and the social services are to be fully and quickly developed. But because additional taxation will be found to be inevitable or will be desirable under certain circumstances, it does not necessarily follow that the Council will be justified in approving of every taxation proposal that may be placed before it by Government. There are certain forms and methods of taxation which are obviously good, and others which are bad and open to objection, and I contend, Sir, that this particular taxation bill falls within the second category. The Honourable the Finance Member has referred to certain moral considerations, and in dealing with those moral considerations he has pointed out that betting at the race course is already legal. If we trace the history of the legislation on the subject, and the various measures that have been introduced in this Council by Government from time to time, I frankly acknowledge that Government have taken steps from time to time to penalise and prevent gambling. They have

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penalised gambling in an increasing measure and they have tried thereby to prevent it. But whenever the question has arisen of penalising and preventing gambling at the race-course, they have cried halt, and they have failed to discharge their duty in that particular matter. I concede, Sir, that in virtue of the action taken by this Council—I mean the predecessors of this Council—betting at the race course is as a matter of fact legal. But let this honourable House remember that even in those Councils attempts were made by some honourable members of the Councils to see to it that Government realised that betting at the race course ought to be prevented. For instance, in 1919 when a bill was introduced to amend the Bombay Prevention of Gambling Act, 1887, and while that bill was being discussed, the Honourable Mr. Paranjpye (now Dr. Paranjpye) brought in an amendment the effect of which would have been that betting at the race-course would not have been treated differently from betting of other kinds. It is true that that amendment was lost by a majority, but in the actual division on the amendment, it is interesting to note that the Honourable Mr. Chunilal Mehta, who was then a non-official member of the Council, voted in favour of the amendment, and the Honourable Mr. Lalubhai Samaldas, who is acting in his place at the present moment, also voted in favour of that amendment. Thus, Sir, it will be seen that they threw the weight of their opinion against Government doing anything that might countenance betting at the race course.

Sir, in dealing with the moral considerations bearing on this question the Honourable the Finance Member said that we in this Council do not profess to teach morality. It may be. In this House we may not be assembled in order to teach morality. But certainly it is one of our duties to teach morality, if not directly, at least indirectly. Certainly it is our duty not to encourage immorality. This bill, which in a way gives further sanction and seeks to set the approval of this House to betting at the race course, is nothing but an attempt to encourage an immoral thing. It is a serious vice which is growing in this presidency and which is ruining many thousands of its citizens, and it is therefore the primary duty of this Government to stop it. Sir, I have never been even once at the race course; nor have I known what betting is. (An honourable member: It is a pity). I do not think it is a pity: I think I am fortunate in not having ever gone to the race course. I have never known what betting is. But I feel convinced that the betting that now takes place at the race course is a serious evil, is an immoral thing, which every civilised and every enlightened Government ought to put down.

Then, Sir, what will be the effect of this bill? The bill seeks to add to our revenues by taxing betting at the race course. The Government expect to add to their revenues 4 or 6 lakhs of rupees. Already we depend for one-third of our revenue on another vice, the vice of drunkenness. We make more than 4 crores of rupees out of the drunkenness of the people. Our financial system has as one of its bases a revenue of 5 crores of rupees raised by encouraging drunkenness. We are now trying to add to that base another base consisting of an additional revenue to be obtained by encouraging betting. I put it to this honourable House if this is

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a sound financial system. Will the Government be justified in adding to their revenues another 7 lakhs of rupees taken from the people out of their vice by encouraging betting, and indirectly, if not directly, ruining several hundreds of families? It may seem a sentimental view to-day and already I see some of my honourable friends smiling in their faces. I most certainly express my extreme disapproval of that, and I do hope that Government will not take this matter or the position I have taken in a light-hearted manner. It is a serious matter, it involves the morality of the people, it involves the freedom of the people from vices and I do hope and I do appeal at least to the non-official side of this House not to be guided by Government or by official members in the light-hearted manner in which they seem to take the arguments and considerations based on morality which I am advancing.

Sir, we are very keen on the question of seeing that our financial position is sound and our financial position is established on a basis that will not be objectionable on moral grounds. This House has decided that there should be prohibition and the House has decided that the prohibition of drink should be really and earnestly adopted by Government and carried into effect. This House has decided that it is willing to forgo the excise revenue. Yet at the present moment the Government have come forward with a proposal which seeks to add to our revenues from the gains of another vice. Sir, one practical effect of the present bill will be this and I wish to invite the attention of the House to this practical effect. The House knows very well that at present the greatest difficulty in bringing about prohibition is the fact that our excise revenue has gone on increasing till we have more than four crores of rupees at the present moment. Well, suppose to-morrow this bill is passed and the revenue arising under it goes on increasing and ultimately it forms a fair proportion of our total revenue. If a private member like myself or like any of my honourable colleagues wants to bring in a bill with the object of prohibiting this betting on the race-course, what will happen? I shall find numerous difficulties in my way. In the first place, Government may hold that a bill of this nature is a bill affecting public revenues and therefore I must seek the previous sanction of His Excellency the Governor. I will try to seek this sanction, but is it possible, taking Governments as they are, that the Government will be prepared to forgo this revenue and previous sanction would be given to the bill? So that, one practical result of this bill, if it is passed, will be this that the hands of non-official members of this House will be fettered and we shall be prevented from bringing in a bill which shall have the object of prohibiting or making illegal betting on the race-course. Sir, this bill is not such a small thing as it looks. It has been presented to us by the Honourable the Finance Member in very fine and beautiful language and with specious arguments, but I hope that the honourable members of this House will not allow themselves to be carried away by his fine and beautiful language, and his specious arguments; and I would most strongly appeal to my honourable friends to take into consideration all the consequences, immediate and remote, of the passing of this bill, and to throw it out.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, I listened very carefully to the missionary harangue of my honourable friend whom I greatly admire, but as the Honourable the Finance Member said in his speech my honourable friend looks upon the question only from the moralist's point of view. I would ask the House does not the vice exist now? But who gets the benefit of it? The benefit of it is taken by the Turf Club. What does Government propose? The Government propose to deprive the Turf Club of a part of their ill-gotten gains. What is this bill for? This bill is for curtailing the income or taking something out of the income of the Turf Club.....

Honourable MEMBERS : No, no.

MOULVI RAFIUDDIN AHMAD : This is my opinion and nobody should try to prevent me from expressing my opinion and I will not be prevented. It is very well known that we have no sources of revenue for the nation-making departments.....

Honourable MEMBERS : Nation-building departments.

MOULVI RAFIUDDIN AHMAD : For the nation-making or nation-building departments. This is a very fair, a very reasonable and a very logical attempt to increase our revenues. I do not appeal to those members who come here to support moral considerations or who come here to preach to the House and to preach to the Government the obligations of morality. I have not come here for that reason. I appeal to those members who find the world as it is, who find a great deal of vice in this world, but who want to make legislation for mankind as it is and not as it should be. The bill is in a way a very good attempt to check gambling, and I do not think that one iota of encouragement is given by this bill to the vice which exists at the present moment. The only attempt made by the bill is to curtail the vice if you would look to the construction of the bill as a whole. I am very sorry that the honourable member who opposed—the previous speaker—has not been to the races. Had he gone there, he would have seen something which would have enlightened him. I do hope that some day he will go there and to facilitate his visit. I do hope a complimentary ticket will be given to him, so that he may find out for himself whether the action of Government is wise in bringing in this legislation. I do not sympathise with those who discuss it on moral grounds only and overlook its financial aspect. We must try to look at the situation as it exists and, therefore, I hope that the House will wholeheartedly support this bill.

After recess.

MOTION FOR ADJOURNMENT.

Mr. S. K. BOLE : Sir, the motion which I have to put before the House is as follows :—

“In view of the grave situation in which the Bombay Cotton Textile Industry finds itself and the possible effect of the decision of the Millowners' Association to reduce wages of their workers which will affect a lakh and fifty thousand operatives of Bombay and their families, and also the effect of this situation on the welfare of the Presidency as a whole, this Council earnestly requests His Excellency the Governor in Council to be

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pleased to place the gravity of the situation before His Excellency the Governor General in Council urging him to take such steps as would bring about immediate relief to the mill industry and the operatives working therein."

The Honourable the PRESIDENT: The honourable member might add a few words to bring it within the rules: "and that the House do now adjourn".

Mr. S. K. BOLE: Yes, Sir, "and that the House do now adjourn".

Sir, it is well acknowledged that the textile industry of Bombay and the Bombay Presidency finds itself in a very grave situation, so much so that I understand the Bombay Millowners' Association has decided to take a very serious step of a reduction in wages. Why is this grave situation created and what are the effects of this situation on the town of Bombay and the Bombay Presidency as a whole, is for this House to seriously consider.

Sir, at the suggestion of His Excellency, who is very sympathetic towards labour, we, some of the representatives of workers, had met the Committee of the Bombay Millowners' Association and they placed before us some of the main causes of the present situation. They were:

- (1) Excise duty levied by the Government of India at 3½ per cent. on production;
- (2) Import duty on all machinery, stores and accessories imported for use in mills;
- (3) Heavy Imperial and Local Government and municipal taxation on the industry;
- (4) Unfair Japanese competition due to the system of working hours in their mills; and their depreciated exchange and also competition of other foreign countries.

The history of the excise duty is well known to all honourable members of this House. As Sir James Westland said when introducing this Bill of Excise Duty, it was imposed at the dictation of the British Government and not by the wish of the then Government of India. In spite of strong protests of all parties and all people of this great country it has been continued to be levied. The Government of India and various Members of that Government including the present Finance Member and the Member for Commerce have acknowledged it as a wrong duty which should be taken off at the earliest possible moment.

Sir Valentine Chirol in his book on India says nothing has done more to diminish the faith in British justice and fairness than the existence of this duty. Why have not the Government of India taken it off? Their excuse so far had been that their finances would not permit, and latterly when finances permitted they say that provincial contributions must take precedence for remission. In the opinion of all Bombay merchants, if Government had the will they could find ways and means to repeal this duty. But they think still that unless the Government of India have got enough finances at the same time to reduce the import duty, they would not repeal the excise duty till then. I do not know how far this opinion is grounded on facts, but it is for the House and the Government

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of Bombay to make a pronouncement on it. But I venture to suggest that nobody in this House will be against the Government of India repealing this duty at the present serious moment. It must be remembered that the Government of India are collecting a much larger revenue from this duty than they ever anticipated owing to the shortness of cotton throughout the world and the consequent high price of raw cotton and also the high price of cloth.

Coming to the duty on machinery, stores and accessories, up to 1920 duty was only levied on stores and accessories in certain specified cases, but generally all stores and accessories for weaving mills were admitted free of duty. It was only as a war measure when Government wanted finance badly that they levied 2½ per cent. duty on machinery and 15 per cent. on stores and accessories. The Government of India all along recognised until 1920 that mills should not be asked to pay excise duty as well as duty on stores and accessories. It was only done in case of financial stringency, and now that the Government of India's finances are much better, they should, I submit, take off this duty at once.

I do not wish to speak much about the taxes levied by the Imperial and local Governments and local bodies, because the members of this House are well aware of these.

As to the Japanese competition, I think the Government of India, according to the Washington Conventions, rightly introduced the new Factory Law and reduced the hours of work in Indian mills. Japan agreed to these Conventions, but have they ratified them or put them in operation? They have not, Sir. We know that their mills are worked 22 hours a day in two shifts and even women and children are employed at night on terms which I cannot but characterise as slavery of the worst kind. Is it fair, Sir, that our industry should be exposed to such unfair competition and thereby Indian labour deprived of their just dues?

I do not wish to speak much about the Japanese depreciated exchange, but perhaps other honourable members who are well versed in this subject will enlighten the House on the same. But I am told that this gives them an advantage of 18 per cent. and that is why they are able to lay down in Bombay and other ports yarn and cloth at prices at which the Indian mills can barely manufacture.

These are the facts that were placed before us when we met the Mill-owners' Committee, and I understand they were placed formerly by the Millowners' Association in the form of a memorial before His Excellency the Viceroy as well as various Members of the Government of India. But not having any relief from the Government of India the millowners, I am told, had to find ways and means to reduce their working cost and I understand that last Monday they have decided at a meeting to reduce the wages by 11½ per cent. When we met the Millowners' Committee we represented the general feelings of the operatives that they would have preferred to work one or two days short time rather than a cut in the wages, but the Committee pointed out to us that their cost would go up by ⅓ of an anna per pound and when cloth is not moving at present prices, they

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would find it more difficult to dispose of it with the additional burden and therefore they preferred reduction in wages. The fear of the work-people was that if a cut was made the millowners would never reinstate that cut, but I understand that an assurance is given to labour that if mill industry again came into good condition they would reinstate the present cut.

But the House will realise the gravity of the situation owing to the decision of the Millowners' Association and the hardship it will cause to a lakh and a half workers or three lakhs including their families. It is on behalf of the workers therefore that I have brought this proposition that the Government of Bombay may place these facts before the Government of India with a view to alleviate the sufferings of the workers in the present difficult times.

Between this fight of the millowners on the one hand and the Government of India on the other the poor workers who sweat their whole time in work are the sufferers. I strongly therefore protest against the obdurate attitude of the Government of India in defiance of the general opinion of the country as expressed in the Legislative Assembly. I appeal to Government to take immediate action to avert the crisis by offering immediate relief to the mill industry which is the premier industry of this presidency and also to the thousands of workers engaged therein.

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce) : Sir, I welcome that part of the resolution which deals with the depressed condition of the mill industry in Bombay, of which, after all, the labour situation is but a symptom, for it merits, in my opinion, frank discussion and my remarks will be confined strictly to that part of the resolution. It is clear that the industry is in a very depressed condition and as one interested in the Indian mill industry, I sympathise with every effort made to re-establish its prosperity.

But, while I agree that Government should help indigenous industries where self-help is no longer of avail, there would appear to me to be a growing tendency on the part of the industries in India to appeal to Government for help without a really deep examination of the facts surrounding the depression in those industries and without a proper and full presentation of all the relevant facts being made to Government, and because I am jealous of the dignity and good sense of this House, I would ask it not to allow itself to be swayed by sentiment or emotion but to examine very carefully whether a good case has been made out before they wholly support a motion of this description.

In the first place it should be borne in mind that there is a world-wide depression in the textile industry and that even in the largest cloth producing countries short time has already had to be resorted to. Figures would appear to show that the reduction in the prices of local made cloth is no greater than the reduction in the prices of cloth in other countries, showing that if our industry is to keep its head above water, even greater efforts must be made to increase the efficiency, not only of production

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in India but also of other methods of buying and selling. It is no use our talking blindly of dumping when all other world prices are down equivalently with local prices, for such talk can only show an imperfect appreciation of the facts.

Therefore, the first steps in establishing a claim to Government assistance must be to show that every method of self-help has been tried and has failed.

Many points arise in this connection.

Firstly as regards costs the following points have to be considered :—

(a) Improvement of managing organisation and elimination of unnecessary middlemen.

(b) Improvement of production per spindle and per loom.

(c) Economy in purchase of raw material.

(d) Reduction in wages.

Then as regards the disposal of the production there are the following points :—

(a) efficiency in sale of production.

(b) danger of over-production.

This question of over-production is to my mind a very serious one, and one to which, I think, insufficient attention has been given by the mill-owners.

What are the facts? The Indian mills are producing more than before the war, while imports have increased in the same proportion. The local mills still hold over 90 per cent. of the trade, *i.e.*, the same proportion as before the war but Japan has made enormous strides at the expense of the United Kingdom and the Indian mills are afraid that their competition may go further and that their own trade may now be cut into. As regards cloth the Indian mills are producing far more than before the war. In fact they have almost doubled their production, while the export of Indian cloth is now on the increase. It must be borne in mind that while the total production of cloth, coupled with imports, are rapidly approaching the pre-war figure, the power to consume per head is much less for various economic reasons, so that there must be a grave risk in over-production.

The lesson I deduce from these facts, therefore, is not that Japanese or other competition has yet taken away any trade from the Indian mill but that the lowering of world prices has increased competition to such an extent that Indian mills are in some cases working at a loss in order to retain their hold on local business. The danger therefore is more a future one than a present one and the fear is that the Indian mills are not going to be able to continue to sell their increased production of coarse cloth. I see the danger, of course, and I agree that it is one to be carefully watched and that the risk should be examined now and protected against, if necessary, but I submit that we require a more careful presentation of the facts than has yet been made, before final judgment can be passed. Vague generalities in a matter of this sort will not suffice.

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Personally I feel very strongly that, pending examination of all the facts, and until Government are in possession of information that may permit them to decide whether Government assistance is necessary, production should be reduced. I know this is a debatable point, but I cannot agree that it is wise to continue to produce excess quantities of cloth and yarn in the present depressed state of the market, because of the fear that if production is reduced, foreign countries will step in and capture the market. The argument that a smaller production increases the cost of production is a more potent one, but I still do not see how one can get away from the fact that the excess production is not firing a market even now and that it is crippling the industry which cannot finance it. Moreover these stocks constitute a mill-stone which will take away from the local industry the power to take advantage of any improvement that may take place in the market.

In the present circumstances, therefore, I question whether the local mills have helped themselves to the full extent possible and whether their cry for Government assistance is not a little premature.

This motion, I take it, refers principally to the Bombay mills. It would be interesting to hear whether the Ahmedabad, Cawnpore or Madras mills are in the same plight. My information, and I regard it as reliable, is that they are not, and that although their margin is small they are moving their production. And this is not entirely due to the fact that cheap cotton exists at the mill-door.

Moreover there is a tendency for up-country mills to increase more rapidly than Bombay mills and this in itself must restrict the demand for Bombay mill production. I wonder whether sufficient consideration has been given to the question of the extent to which up-country competition is contributing towards Bombay depression. Finally, with the exception of the request for the removal of the excise duty no concrete proposals have been put before Government nor have we been told exactly the extent of the protection that is required. We are not even assured that the removal of the excise duty in itself will be a sufficient protection.

My feeling is that appeals to Government for help should not be made until satisfaction has been given on all these points.

If and when Government are satisfied on all these points the question of the direction in which the help can be applied may be examined, and in the meantime, it is apparent that Government are giving close consideration to the whole problem.

The various means of help which have been suggested are:—

- (a) Removal of Excise Duty.
- (b) Discriminating protection against India's chief competitors.
- (c) Removal of import duties on Machinery and Mill Stores.
- (d) Regulation of working hours of labour in other countries.

I rule out the question of exchange as it is well known that the depreciation of Japanese Exchange is due to causes beyond the control

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of either the Indian or the Japanese Governments, and in view of the uncertainty which surrounded gold values until quite recently, I do not attribute to the Government of India, in regard to their exchange policy and the rise in Indian exchange as compared with countries other than Japan, the sinister motives that have been suggested in some quarters. Suffice it to say that we are all anxious now, to get back to a gold basis as soon as possible and that it would appear that we are on the eve of attaining our wishes in this respect. Moreover, the British commercial community are just as anxious as anyone else to avoid the evils of undue currency management.

In this connection, I would like to utter a word of warning to the House. Honourable members must have remarked the fact that Bombay, as a Presidency, has carried but little weight, hitherto, in the Central Councils, proof of which may be seen in the failure of this Presidency to obtain any relief either in respect of the Meston Settlement or the excise duty, and those of us who give consideration to these matters may have wondered why.

I suggest, Sir, for the serious consideration of the House that it is because we are the one Presidency which does not pull its combined weight in Delhi, the reason being that the strength which we should derive from unity is dissipated in party faction. I suggest further, Sir, that a more generous appreciation of the fact that Government can be actuated by disinterested motives and that an Englishman is capable, just as capable as an Indian, of serving the country of his adoption, and a little less urgency and bitterness at this stage in the talk surrounding the process of Indianisation of both Trade and Government, would give the average Englishman that confidence that would enable him to give the more generous and less defensive consideration to problems of trade policy and self-government that is natural to him, and would enable this Presidency to achieve in the Central Councils, a unity that would compel attention and respect.

At the moment, our views are divided, in many cases quite unnecessarily, and I say plainly to my Indian friends that while I understand that sensitiveness arising out of pride and affection for their country, which makes them suspicious of an European's motives, they are making a grave mistake in antagonising rather than enlisting the sympathy and aid of the British commercial community in the solution of what are, after all, national problems.

As regards the excise duty, everyone is agreed that it is a bad duty and must go, even though its removal may entail taxation in another form. But in view of the crying necessity for relief from general taxation in this Presidency and for more money for the transferred departments, which can only be achieved by a revision of the Meston Settlement, I feel personally that we should work for that revision before pressing for the removal of the excise duty. Therefore I should prefer assistance to the industry, if it can be shown that the industry requires assistance, to come in the shape of discriminating protection, in the removal of machinery and mill-store import duties, and in an effort to get other countries

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to carry into effect the working hours prescribed by the Geneva convention rather than by the removal of the excise duty at this stage, for the latter must delay, I feel sure, the revision of the Settlement.

If however there is no chance of a revision of the Settlement, I would support the demand for the removal of the excise duty as a means towards bringing some economic relief to this Presidency.

Of the other remedies I have mentioned, two at least would appear to require consideration by the Tariff Board, to whom the Millowners have not as yet made any representation, while the fourth can only be solved by international negotiation.

In conclusion then, Sir, I sympathise with the resolution and consider it is all to the good to make public the facts surrounding the depression of Bombay's premier industry, but I am not satisfied that everything has been done by the industry to help itself or to present its own case.

However, I think there can be no harm in drawing the attention of Government to the existing state of affairs and I therefore support the resolution.

Mr. J. A. KAY : Mr. President, my honourable friend Mr. Grantham has in his speech referred to excise duty and also the question of the Meston Settlement which was discussed in this House at great length on the last occasion. I submit, Sir, excise duty as levied on production is an unfair tax on the mill industry and quite a different issue from the Provincial contribution. I ask Government this : why it is not levied on all industries and why only on the cotton textile industry ? We are taxed $3\frac{1}{2}$ per cent. on every lb. of our production. In addition we are compelled to pay all other taxes similar to other industries.

In referring to the question of the Meston Settlement my honourable friend the honourable member Mr. Grantham claimed for a revision of that settlement. On this question we are all agreed. He claims a bigger portion and also claims for a larger remission than what we have up to now been successful in getting. In that settlement we got last year 22 lakhs of rupees. In 1923 Bombay mills made a loss of 117 lakhs of rupees. We paid in excise duty in that year something like one crore of rupees. Now as regards other provinces they are not only getting a larger share under the Meston Settlement, but they are benefiting from what we are paying as excise duty on the manufacture of our mills.

It has been asked what is the position of the industry to-day ? Briefly the position is this. The Bombay mills are holding to-day stocks of manufactured goods approximately to the value of 8 crores of rupees and owing to the difficulty of the financing, some of the mills cannot carry on much longer and many mills will have to be closed down which will mean unemployment and a loss to labour. That, Sir, is the position. The causes, in my opinion, are, dumping and unfair competition by Japan, and the unfair labour conditions which we have to compete against in certain other countries, particularly China and Japan due to their not adhering to international conventions. The other causes are heavy Imperial and local taxation. I should like to say that everything that could be done by the Bombay millowners to relieve the situation has been done

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by them as far as possible. May I inform this House that we have been actively agitating in regard to the abolition of the excise duty since February 1924? We have discussed and discussed thoroughly every possible ground and avenue for remedying the present state of affairs. We have gone with the Government of India into the question of an export duty on cotton; we have gone into the question of increasing the import duty on Japanese yarn, and we have discussed with the Government of India the question of the excise duty. We have also discussed, as pointed out by my honourable friend Mr. Wadia, at very considerable length, the question of short time and over-production. To my mind, Sir, of the steps which could be taken to ease the situation, the first is the immediate removal of the cotton excise duty. It has been agreed by men of all shades of political opinion and by the majority of the commercial community that the tax is unfair. It has been admitted by Honourable Members of the Government of India that it is unfair, and that they would like to remove it. A tax which was imposed as a counter-vailing duty became during the war a tax for revenue purposes. I submit, Sir, that it is an unfair tax as it is on production. The majority of the Bombay mills are losing money and losing money heavily,—we have to pay $3\frac{1}{2}$ per cent. on our manufactures, and under these circumstances, Sir, I submit that we are being taxed not on profits, but on capital.

I wish to draw the attention of honourable members to the unfair labour conditions which we have to compete against. India, as a member of the League of Nations, is entitled to representation on the International Labour Conference. Each year we send representatives to that conference on behalf of Indian labour, to discuss international labour questions. In 1919 Japan agreed to the 60 hour week convention at the Washington Conference; so did India; and in this country, as a result of the deliberations of the International Labour Conference, we have put on the statute book in the course of three years more labour legislation than any other country in the world. Two Acts, first the amendment of the Factories Act and the second the Workmen's Compensation Act, received the very cordial support of Bombay employers. Now, Sir, what has happened in Japan and China? I raised the question myself in 1923 and I believe the honourable member Mr. Baptista raised it last year, as to what had happened with regard to the 60 hour a week in Japan. We were told that the Government of Japan had ratified the convention, but had not been able to bring it into force. The result, therefore, is that to-day in Japan, as the honourable member has pointed out, women work at night, children are employed in the mills, and the mills are running two shifts, working 22 hours a day. I came across a report submitted last July by the Municipal Commissioner in Shanghai, and that report reads as follows:

“According to a Report published last July by the Municipal Council of the International Settlement at Shanghai no municipal regulations are in force governing the age at which young persons may be employed. But steps have been taken by the managers of the British mills to give effect to the recommendation of the Child Labour Council appointed by the Municipal Council, that the employment of children under the age of 10 years should be prohibited. In the area covered by the Foreign Settlement and the two Chinese districts of Chapei and Pootung (the only areas of the Chinese-controlled

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city of Shanghai regarding which figures are available), there are 273 mills and factories, of which 25 are British, 186 Chinese, and 31 Japanese-owned. No municipal regulations are in force governing the age at which young persons may be employed therein."

There is ground, I submit, for help from the Government of India in this connection, but the procedure with regard to international labour is not easy, because there is no legal obligation upon nations to put on the statute book anything which they may ratify. The only redress that we can seek is through organised associations appealing to the International Labour Office, and if we wish to press it any further, the point may be investigated by a Committee. If that is all the satisfaction we are going to get out of the International Labour Conference, then I think the time has come when the Government of India ought to bring pressure to bear upon that section of the League of Nations which deals with labour problems, to put things in order.

I now wish to make a reference to that part of the resolution which relates to the question of reduction of wages. I ask honourable members to rest assured that this reduction which the millowners have been compelled to make has been the last thing which they wanted to do. The question of wages is difficult. We have been faced, since the end of last year, with a very trying situation. We have been told that any adjustment of wages should be made on the basis of the cost of living. I submit that any adjustment so made would be unfair. The main point to be considered on the question of wages is what the industry can afford to pay. I am one of those who believe that an industry should pay its workmen a fair living wage, and not make adjustments merely in reference to the living index number irrespective of trade conditions. The cost of living index given in the *Labour Gazette* for June shows that the decline is 16 per cent. from the high water mark reached in October 1920. I only hope that trade conditions will soon improve again so that an adjustment can again be made which will prove satisfactory to all.

There is one other point which has been the subject of discussion in certain sections of the press, and that is with regard to the bad management of the mills. The allegations made, speaking generally, are such as cannot stand investigation. There are good and bad managed mills just as much as there are good and bad managed Government Departments. The case to-day is that of our best managed mills which are losing money heavily. With these remarks I support the motion.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, in supporting the motion before the House I beg to answer certain points that have been raised by the honourable member the Chairman of the Bombay Chamber of Commerce. He has very rightly questioned the reduction of wages which the millowners have decided on. But in raising that question he raised the question of the prices of cloth not having declined, more than in other countries the question of over-production and world depression. I will try to meet these three points. As regards the question of world wide depression, may I ask the honourable member who raised that

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point whether the conditions in India are the same as those prevailing in other parts of the world? The same honourable member in the course of his speech admitted that they are not the same. I will only give another instance. I am glad to find that he has agreed that the excise duty is inequitable and should be abolished. I do not want to labour this point which has been admitted. I will only put to the honourable member whether India is not a part of the world; and if India is a part of the world, Calcutta is a part of India. Is the same condition prevailing in other industries there like jute and tea which are making hundreds of per cent. profit, while we are making a loss on the textile industry? The textile industry has been forced to take this step very unwillingly as has been pointed out by the previous speaker.

Then, I come to prices of cloth. I think the honourable member referred to different countries. But those countries depend for their prosperity on exports of their manufactured products. There is a difference between countries which manufacture for export and those which manufacture to supply hardly a portion of their home demand. India is admittedly an agricultural country and we manufacture only a fraction of the cloth consumed in this country. Our industry is still in an infant stage, in spite of its 50 years' struggle. It is the only industry of which India is proud: it is in the hands of Indians. In spite of opposition of Manchester very early and in spite of an unsympathetic government, it has survived owing to the accident of the big War which prevailed for some years and which ended in 1918. The prosperity that the textile industry in India has experienced is owing to an accident and not the result of a sympathetic treatment from the Government of this country. When we speak about world conditions, one more point has to be remembered. We must remember that those other countries referred to import their raw materials from us, manufacture them and send out the goods to us and other countries. If Japan is flourishing, why should not India under our benign Government? Over and above supplying its own requirements Japan is able to supply other countries in the East. As regards India, what are the conditions? I will only refer to the statistics from 1st April 1924 to 31st March 1925, regarding the amount of cloth imported into India and the amount manufactured in this country. In those twelve months India imported cloth worth Rs. 72,66,00,000, and the value of cloths manufactured in India during those twelve months was only Rs. 52,96,00,000. From this, Sir, the House will realise that this country is importing far more than she produces. Is it unreasonable and unjustifiable for any country to aspire to manufacture for her own requirements—leave aside the question of exporting to foreign countries—to manufacture for her own requirements from the raw products produced in her own soil? Certainly it is no credit to the Government of this country or to this country that our raw products should be taken away by a foreign country like Japan, manufactured and brought back to our own country. It is said that the management is not conducted on sound lines in this country. Sir, I can produce before the House figures to

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show that it is not a question of bad management, but it is a question of self-government. They carry away our cotton, pay freight to and fro, bring the goods here in a manufactured condition and sell cheaper here. They cannot argue that Indians are not able to manage. Indians have proved their ability in countries like Africa where they compete with other people. If Indians are able to compete in foreign countries, why are they not able to compete in India? I think Indian management cannot be blamed in this respect.

Then, Sir, the honourable member advised short time working, because it was a condition of over-production. But is it over-production? I have just now pointed out to the House that this country is not producing even as much as it wants. The question of over-production cannot come in such a case. Why should our mills then work short time? I will point out to the House what is done by other countries for capturing the world markets. The last war was a war for capturing the world markets. Even at a loss attempts are made by merchants to keep a hold on markets once captured. What is Lancashire doing now? They are maintaining their hold on this market even at a loss. They do not do so for any philanthropic reasons or to supply cheaper cloth for Indians. They do so to keep their hold on this market. Therefore I hold that it is not a case of over-production and short time working will not do. If we go short time the foreign goods will replace our goods. As the House has seen, even the requirements of this country are not met by the manufactures of our mills. Would they like the millowners to be placed in such a position that foreign people can capture their home market, leave aside the foreign markets that we will be able to capture? Let us be satisfied with our own market. Let us have protection. Now, Sir, Japan, England and the United States are the three countries which have gone short time. But those are countries which are not importing their cloth. Have you ever seen Lancashire and United States and Japan importing cloth from other countries? And what has Japan done.....

Mr. V. A. GRANTHAM: What is the percentage?

Mr. LALJI NARANJI: It is 50 per cent. It may be a few things here and a few things there which England cannot manufacture owing to certain difficulties in the way of raw products. England's raw products are mainly iron and coal, and therefore she has got her shipping and engineering industry. Of course by dint of her knowledge and perseverance, she has won a pre-eminent place in that industry, but I am only speaking of the textile industry, and I would say that no country would allow imports of textile goods into its territories if such country has got raw products like cotton in sufficient quantities. It is also an argument of Government that Japan has not a tariff wall and that the duty is only 5 or 7 per cent. But it has been ably pointed out in several articles in the "Bombay Chronicle" by quotations of the tariff rules of Japan and therein it was pointed out that the Japanese tariff is such that at any time the Japanese Government can put the duty up even to 100 per cent. the price of goods. It is this clause in their tariff which

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helps the Japanese to protect themselves against foreign competition. On the face of it it appears that the tariff is only five or seven per cent. What did America do? What did England herself do when cloth was imported into England from India? The House can see the able minute of Pandit Madan Mohan Malaviya in the Industries Commission Report of 1916 wherein he has pointed out that England had levied 80 per cent. duty in order not to allow Indian cloth to be imported into England but now-a-days India has been obliged to import cloth from England. Why? Because India is disabled for several reasons to which I will now refer. The several reasons are that India is exposed to foreign and very unfair competition, such as, with Japanese and foreign competition. I would only say that it is argued by some that Japan buys cotton and has to pay in addition in the form of depreciated exchange, something like Rs. 45 on 100 yens as for 100 yens they used to get Rs. 155 and now they get Rs. 110, they have to pay Rs. 45 more in buying cotton. I believe they forget what is the value of cotton, or the cloth, or the proportion of cotton and other manufacturing charges. It is 60 and 40. I have taken the figure from a prominent mill and I find that on forty lakhs of rupees worth of cotton the cost of manufacturing has been Rs. 22,86,000. The proportion will be 60 and 40. On sixty rupees they have to pay forty-five rupees more at the rate of Rs. 155 for every 100 yens, so they will have to pay 27 rupees more for cloth costing them 100 yens, but because they can sell the same cloth at Rs. 110 against Rs. 155 which they had to get on pre-war exchange, they get the benefit of Rs. 45. They get thus an advantage of 18 per cent. by their depreciated exchange. My honourable friend has not referred at any length to exchange but that is the chief cause of our troubles. You will find that the advantage enjoyed by all the foreign textile goods is $12\frac{1}{2}$ per cent. Italy and England get 18 to 20 per cent. which Japan enjoys. My honourable friend, the previous speaker has pointed out the unfair advantages which Japan enjoys in the shape of female and child labour. I do not wish to dilate upon it.

Another thing is that the main obstacle to all industries of India is the Government's persistent refusal, in spite of the most respectful and courteous representations, sound warnings and then protests against the policy of not heeding the very courteous request made to them against their exchange and currency policy, about which enough has been said. I would only refer to one point and that is, that I quite appreciate the remarks of the Chairman of the Chamber that there should be unity. I think that India is quite ready to unite with anybody who wants to help India and there is no sort of any other feeling than what my honourable friend desires and we never attribute bad motives in such matters. I think Bombay can be proud of the best relations prevailing in the commercial community and my honourable friend will be proud to admit that I have always done so except in the matter of exchange and currency where unhappily our Indian friends have differed from the attitude taken up by the European Chamber, but even there I am very glad to point out that even the Bengal Chamber of Commerce have now

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found their way to agree with the recommendations partially with the policy advocated by the Indian Chamber. Lastly, I hope if the cordial feelings pervade between Indian and European commercial communities, we will redress all our grievances and on behalf of the Indian mercantile community I can assure my honourable friend that Indians are always ready to co-operate provided the other commercial communities see with Indian eyes and satisfy them that what they do is in the entire interest of India. (Hear, hear). With these words I support the motion for adjournment.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, on behalf of the Swaraj party I rise to support this motion for adjournment. My party stands midway between Capital and Labour, and it is its endeavour to take each by the hand and to take it to the destined end. I must congratulate my honourable friend, Mr. Bole, on having moved this motion for adjournment. I also thank him for having accepted at my instance an important alteration in the language of the motion which has made it acceptable both to Capital and Labour. I cannot help congratulating also the millowners on the restraint and moderation with which their case was put at their meeting in Bombay by the honourable member, Mr. Wadia. They have created a very desirable precedent, which, I hope, will be followed in future years, of not deciding on taking steps adverse to the interests of Labour without consulting the representatives thereof. Labour has gained this valuable right and I do hope that, in all future disputes, this right of Labour to be heard before the event will be respected.

I cannot help on this occasion, Sir, looking back six months ago when the leader of the Swaraj party in the Legislative Assembly, Pundit Motilal Nehru, supported the motion for the rejection of the excise duty. At that time it was suggested in many quarters, Sir, that the Swaraj party had entered into an unholy alliance with capitalists and various ungracious comments were made against that party as, e.g., of having been bribed by Bombay capitalists. But the vindication of our conduct has come to-day and it is now clear that a few months ago the Pundit saw more clearly than his critics. The vindication, Sir, is that to-day the honourable member, Mr. Bole, who represents Labour in this House, has thought it desirable to bring forward a motion couched in terms which are practically the same as Pundit Motilal Nehru supported a year ago. I, therefore, make the claim, Sir, that in supporting the removal of the excise duty then, the Swaraj party saw more clearly than their fellows, and that the charges against them were ignorant and unfair. In other words, when the Pundit asked the Government of India to remove the excise duty, he was actuated as much by his desire to improve the conditions of Labour as by his wish to oblige his capitalist friends, and in this view of the matter I am glad that I am having this opportunity of making our position clear. As for the merits of the motion, let us see what is the position to-day of this industry in the City of Bombay. I do not wish to be in any way hyper-critical or ungracious—for I recognise

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that the object of this motion is not to hurl mutual recriminations but to strengthen the hands of the Bombay Government in representing to the Government of India the intensity and unity of feeling in this matter—and I thankfully realise that the speeches so far made have kept up the right spirit of amity and good will, and I shall not mar that spirit by any sentiments of hostility or discord, but the situation in the city of Bombay is this, that the mill-operatives have had their wages cut down by eleven and half per cent. The millowners say that they have been driven to this step by the extreme exigencies of the occasion. I have very carefully read the justification for this step offered by my honourable friend, Mr. Wadia, which makes it clear that the millowners have been driven to this step by the exigencies of the moment. Well, Sir, I will accept that decision, especially because it proceeds from a person who, I know, has a generous and kind heart. But may I ask my millowner friends also to remember that the parties like mine—which stand midway between Labour and Capital—expect, as my honourable friend, Mr. Grantham, said, that all other means should be tried by the millowners of practising retrenchment before they bring down the axe upon the wages of the poor? The public expect that they should be convinced that all such means have been adopted. May I ask, *e.g.*, if the millowners have cut down the high earnings of the agents, which critics say, is the best paid profession in the world? Have they cut down their earnings? Have they likewise cut down the earnings of the high-salaried officers employed in the mills? Did the millowners do this before they came down upon the wages of the poor? I hope there is a satisfactory answer to this question. My party, Sir, are anxious that the millowners should justify to the public the step they have taken. As I said before, Sir, I am not saying this in any spirit of querulous hostility, because I want, so far as possible, to respond to the note of amity and good will sounded in the previous speeches. This House is anxious, and I join in that anxiety, that we should by this motion help the Bombay Government to represent our wishes to the Government of India. We cannot do this, if we begin to quarrel amongst ourselves. But we have doubts, Sir, whether the mere cutting down of poor men's wages will do away with the effects of over-stocking or of the rapid fall in prices. The over-stocking is twice the normal and the fall in prices since January last is 30 pies per lb. The saving expected by the cut in wages will only cover 3 pies of these 30 pies. It will not therefore go very far, and the over-stocking only represents three months' production as against clearances which are improving. These are questions which are troublesome to the public mind, and I do hope the millowners will give a satisfactory answer. But I won't go into these questions more, as I want Labour and Capital both to unite on pressing the present motion. The whole of our claim, Sir, in this behalf is this that we want the Indian Government to behave towards Indian industries exactly as the British Government behave towards their own industries. Put in a nutshell, that is our case. It is our misfortune that the British Government is, and will remain for some time to come, alien in personnel. But is it impossible for it, on that

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account, to become Indian in sentiment? Though composed of non-Indians, let it learn to take an Indian view of national questions. We realise, Sir, that the best effort of the country ought to be made in this direction, of making the Government of India feel towards the Indian industries as if the Government was entirely national or, to put it briefly, as the British Government do feel towards their own industries. Let us, in this connection, recall the telegram which we read three days ago in the papers. This House knows now that England is at present passing through a serious labour crisis in the coal industry much in the same manner as we in India are passing in connection with the cotton industry. How did the Prime Minister deal with it only three days ago? I am quoting the words of the press-telegram, which said that the Prime Minister proposed to deal with this difficulty himself. He proposed to "take it in his own hand". Well, we want the Government of India to take the problem of the Indian industries 'in their own hand'. The British Premier is thinking of giving a subsidy to the workmen. We may not be so fortunate, but is it too much to hope that the Government of India will take up the cause of the Indian industries *in hand* with the same sympathy, interest, and insight which Mr. Baldwin is devoting to the difficulties of the English coal industry at present. I fear I have no time to go as fully as I would have liked into this important subject, because of the limited time at our disposal. But to my mind it is clear that a complete remedy for the present ills of the mill-industry dissolves itself into four different measures. The present motion speaks of "immediate" relief. Therefore, it is not permissible, on this occasion, to talk of remedies which would take some time to bring about the results. The "immediate" relief which I suggest the Government of India can and should give at once without waiting for legislation, and which we must insist on with all the strength of public opinion we can create, is, as my honourable friend, Sir Purshotamdas Thakurdas, has suggested, to immediately suspend collecting the cotton excise revenue for the rest of this year (hear, hear). What is, after all, the loss? I think it is about eighty lakhs. I am sure it can be very easily met from the unexpected surpluses, which the Government of India will reap for the year. What is this loss of eighty lakhs, compared with the ruin and disaster of this important industry, which it will prevent? Therefore, this House must strongly support this plea. I will venture to say, Sir, that the Government of India have no case on the abolition of the excise duty, and that their behaviour in this connection has been most perverse. They were defeated on the resolution in the Assembly asking for its total repeal last year, and the same sentiments of that Legislature were again brought home clearly to the Government in the rejection last March of the grant asked for the purpose of collecting this revenue. It is not a cry confined to the Swarajists only, but the entire country is at one on this point. The *pros* and *cons* have been most carefully reasoned out, *inter alia*, in a well considered memorial sent up by the Millowners' Association. But the attitude of the Government of India is adamant, and is daily causing deep feelings of resentment and desperation. I am

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sure my honourable friend, Mr. Wadia, will bear me out when I say that a very modest and carefully considered case was presented by his colleagues, pointing out the disadvantages caused by the imposition of the excise duty. Still the Government of India do not wish to move. I am, of course, glad, Sir, that this perversity of the Government has not been without its effect on the public, and that Labour and Capital now see clearly that the remedy lies in uniting to ask for this urgent relief. The present motion and the tone of the debate ought to be a clear indication of this to the Government of India. I am anxious, Sir, that, whatever the fate of this motion may be, the Government of Bombay should espouse our cause in this matter and that the Honourable the Leader of this House should sympathetically accept this motion and, so far as a subordinate Government can make a forcible recommendation to the Government of India—I am not unaware of the responsibility of the Government of Bombay in this behalf as a Subordinate Branch of Administration,—the Government of Bombay should convey to the Government of India a clear indication of the opinion and feelings of this House, which are only a reflection of those outside the Council. I hope the Government of Bombay will add their own recommendations favouring our case. May I say, Sir, that this House wishes to strengthen the hands of the Bombay Government in conveying to the Government of India a true picture of the public opinion—the intensity of the resentment and despair that their action is causing? We feel, Sir, that the only way to stop immediately the disasters from which the mill-hands and the capitalists have been both suffering, is to suspend the duty for the rest of the year. But I feel, Sir, that the remedies do not stop there. Without taking much time, let me say that the problem will be far from being solved by the suspension of the excise duty only. I do not agree, in this behalf, with the remarks of the two honourable members, who spoke as representatives of the mill-owners. I think no real cure will come until we simultaneously proceed in other directions, *viz.*, the reversal of the currency and exchange policy of the Government of India, and the passing of favourable legislation giving the same relief, protection, and facilities to this industry that, *e.g.*, Japan is giving to its own. I have no time to go into the technical aspects of the currency and exchange policy of the Government of India. I may do so elsewhere. But I feel, Sir, that the best way out of this situation is for Labour and Capital to unite on all these points, and compel the necessary action on the part of the Government of India, in all the directions I have referred to. It is of vital importance that Labour should see eye to eye with Capital on these essential questions, and in all endeavours to do so I assure them both that my party will be happy to act as an intermediary interpreting the claims and aspirations of the one to the other.

Mr. N. N. WADIA (Bombay Millowners' Association): Sir, I wish it had fallen to the lot of another Chairman of the Bombay Millowners' Association than myself to have had to preside

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over the general meeting of the Association last Monday, the 28th July, and put before the meeting the proposal for a reduction of the wages of the millhands, but having to do so had caused me considerable amount of anxiety. The Millowners' Committee had been considering the position for the last 7 months week by week and the fact that it was only after some 5 months that they had decided to recommend a cut of wages shows that they had taken no hasty step at all, and the position was only forced upon them owing to the gravity of the situation as put before this House by my honourable friend Mr. Bole.

The honourable member Mr. Grantham had put forward the argument of world-wide depression which causes the mill industry to be in this grave condition. Sir, if this is his argument, I should like to ask the honourable member why are the Japanese mills working 22 hours a day? If it is world-wide overstocking of goods, and consequent depression, then surely that would affect the Japanese mills just as much as the Indian mills. From the figures that we had put before the Honourable Sir Basil Blackett, the Finance Member of the Government of India, at the interview we had with him, I showed that while in India in 1910 there were 6,200,000 spindles, in 1924 there were 8,300,000 spindles or an increase of roughly 33 per cent. while in Japan, the spindles had increased from 2,100,000 to 4,900,000 or nearly 2½ times. The same way in looms, in India in 1910 there were 82,000 looms and in 1924, 151,000 or an increase of about 70 per cent., while in Japan the looms had increased from 17,700 in 1920 to 64,400 in 1924, or nearly 4 times. The result was, with their double shift working, the Japanese production of yarn had increased in the last 14 years by 5 times and in cloth by 8 times, and their production in yarn was considerably more than what Indian mills could produce with their 10 hours working, and in cloth nearly about the same as the Indian mills production, owing to their double shift working. Therefore, Sir, this honourable House will recognise at once that the argument used by my Honourable friend Mr. Grantham cannot be substantiated by him. If there is world-wide depression; surely the Japanese ought to feel it just as much as we do in India. The very fact that they are working 22 hours a day with 2 shifts disposes of his argument of world-wide depression.

Sir, the Millowners' Association met Sir Basil Blackett on the 2nd of July and had placed all the facts and figures before him both as regards Bombay and Japan and also before Mr. Chadwick, the Secretary of the Commerce Department, and discussed with the latter the two suggestions that were made to our Association (I want to make it clear here that these suggestions did not emanate from our Association) viz., a duty on all cotton exported to Japan and other countries, and an increased import duty on yarn and cloth coming from Japan to India. With reference to the latter proposal, the Honourable Mr. Chadwick told us that the Government of India could not interfere on account of the fact that it was an international question and under the commercial treaty the British Government had with Japan granting the most favoured nation clause, they could not put an increased duty on Japanese goods. As

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regards the question of export duty on cotton, he said that in the opinion of the Government of India it was not feasible at the present moment. I should like the House to remember that if the British Government had granted Japan the most favoured nation clause in the Commercial treaty, then surely Australia would be included in such a treaty. I will put before the honourable House an extract from the Indian Trade Journal published as recently as 23rd July 1925 in which it was reported that "according to the Board of Trade Journal, a proclamation dated 25th March 1925 issued under section 8 of the Customs Tariff (Industrial Preservation) Act, a revised schedule has been published levying special duties on goods imported from Japan, where owing to depreciated currency of that country, the goods are being imported into Australia to the detriment of the Australian industries". If therefore, Australia can levy such increased duty on Japan owing to their depreciated exchange, surely it ought to be possible for the Government of India to levy similarly increased duty on Japanese imports into this country. I do not understand therefore what prevents the Government of India from levying a similar special duty on Japanese goods here.

The Honourable Member, Mr. Grantham, has mentioned that in his opinion short time would have been preferable to the cut in wages proposed by the millowners. Sir, I would ask him which would cause less harm to our millhands, the proposed cut in wages or one day's short time. It is clear that while the Millhands will only lose 11½ per cent. by the proposed cut, they would lose 16⅔ per cent. by one day's short time from their wages, and he has also forgotten the fact that owing to short time working out costs would go up by ⅕th of an anna per lb. which would make it impossible for us to meet the market and get our heavy stocks disposed of. The Millowners therefore after fully weighing the *pros* and *cons* of the question had decided on the cut in the interests of the industry and the millhands as a whole.

The Honourable Member Mr. Grantham has raised another question, *viz.*, why are the Bombay Mills kicking up all this fuss about Japanese competition while the Mills in Ahmedabad, Cawnpore and other up-country Mills specially those situated in the Indian States are not crying out? The answer to that is clear. These Mills are situated in the cotton districts and they have the cloth market on the spot, and therefore they save double freight, while the Japanese have to pay freight on goods sent upcountry, and this advantage of saving of double freight enables them to carry on, while the Bombay Mills cannot do so at present on account of the Japanese competition. I do not think this House and the Honourable Member Mr. Grantham realise that the tendency at present is for more mills to be built in Indian States and not in the districts of British India for the simple reason that a protective duty exists in those States. I am credibly informed that the Indore State has levied a duty on goods imported from the British territory of about 8 per cent. in order to protect the State industry.

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My honourable friend Mr. Grantham has said that he would prefer the remission of provincial contributions to excise duty. Sir, these two questions ought not to be mixed up. They are entirely distinct and separate, and as the honourable member Mr. Lalji Naranji has just made it clear to the House, in no country in the world there is an excise duty of the nature levied in British India. Why therefore should it exist in this country? In the words of the leader of the Swaraj Party, Pandit Motilal Nehru, the excise duty if it is a wrong cannot be measured in percentages or in the sum lost to the industry. It is a wrong committed and therefore the sooner the British Government who boast of justice take steps to abolish it, the better for all concerned, and for their own honour.

There are two points raised by the honourable member, the leader of the Swaraj Party here that in view of the fact that the millowners have decided to cut the wages of millhands, are they prepared to make a similar cut in the remuneration paid to managing agents and to the superior staff of the mills? Except in case of about 10 mills in Bombay, I understand the bulk of the mill agents get their remuneration from the mills on the basis of commission on net profits of the mills. So, if there is very little profit, or no profits from the mills as at the present moment, the mill agents would automatically receive only very little or no remuneration at all. As regards reduction of wages of the superior staff, I would ask the honourable House to remember that the wages of the superior staff had not been increased during all these years to the same extent as the wages of millhands. While the millhands' wages had been more than doubled in the past 11 years, the superior staff had not got more than 40 to 50 per cent. increase, and at the present moment, they find great difficulty in making both ends meet, specially the poorly paid clerks. The millowners have decided after very great consideration that at present they cannot ask the staff of their mills to accept a cut in their wages in all fairness. If my honourable friend the leader of the Swaraj Party, was referring to the Lancashire men employed in our superior staff, I may tell him for his information that there are hardly 300 to 400 such men employed in all the Bombay mills, and they are getting only about 40 per cent. more than what they were getting in 1914. The bulk of the masters, jobbers and clerks employed in the Bombay mills are all Indians. If, however, these critical times continue, then we will have to reconsider the question of the wages of the staff as well. I trust that this statement will satisfy the leader of the Swaraj Party.

Another point I would like the House to remember is that the Government of India counts on getting over 2 crores of rupees in the shape of excise duty from all the mills, and from Bombay mills alone, about 130 lakhs. When we met Sir Basil Blackett on the 2nd of July we put before him the fact that this duty at present costs the mills on an average $\frac{3}{4}$ anna per lb. of cloth produced as compared with a little over $\frac{1}{4}$ th anna per lb. in 1913-14. The reason for this was that the price of cloth had increased considerably on account of increased price paid for cotton

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due to world shortage, increased price of stores, coal, increased taxation, very much higher wages, and shorter hours of labour. Due to these causes, local made shirtings which were sold in 1914 at about 8 to 9 as. per lb. now cost 19 as. per lb. at present prices of cotton. The result was that the Government of India were collecting $2\frac{1}{4}$ times more duty than in 1914. If these prices, viz., 8 to 9 as. per lb. had remained in force now, then the Government of India would be receiving only about 90 lakhs instead of 210 lakhs which they are getting now. This fact was brought out prominently by us when my honourable friend Mr. Bole and other leaders of millhands met the Committee of our Association.

The Honourable Sir Basil Blackett the Finance Member had said last time in the Assembly that if the excise duty was repealed, the extra profits would go into the pockets of millowners, but he forgot two things. Sir, the Indian Tariff Act makes it compulsory on millowners (under section 10 of that Act) to refund this duty to their merchants, and they would in turn correspondingly reduce the price of goods. Therefore if the excise duty was repealed, it would not go into the pockets of millowners. If the buyers of cloth in India are not able at present to pay a price for the cloth that is sufficient to pay the cost of production *plus* the amount of excise duty while the duty is in existence, then surely they will not pay a price for their cloth equal to the cost of production *plus* the excise duty if the tax is abolished. Neither can they be expected nor will they be made to do so by the millowners of this country. Therefore the millowners will not profit if the excise duty was repealed. If anybody can be said to be "profiteering" in the words of the Finance Member, it is only the Government of India and not the millowners.

Sir, my time is nearly up, and I must not detain the House any longer. I want this honourable House to remember that the welfare of the Bombay city and the Bombay Presidency depends on the prosperity of this premier industry in India. If this industry thrives, then the Government of Bombay, owing to trade increasing, can find funds to pay their development and other schemes and to dispose of land and if it does not, then the Government of Bombay will find difficulty in carrying on. I therefore appeal to the House who are bound to look after the welfare of this Presidency to pass this resolution which has been proposed by the honourable member Mr. Bole.

Mr. P. G. JOSHI: Sir, I move a closure.

The Honourable the PRESIDENT: Closure has been moved but I take it that it is the intention of the House to vote on this question. In that case instead of accepting the closure I will allow the discussion to proceed say up to five minutes to six and then put the motion to vote. The subject is very important and if the intention was that it was to be talked out then I would have considered whether I should accept the closure.

The Honourable Sir MAURICE HAYWARD: I should like to say at once that it is certainly not our intention to talk this motion out. I wish

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to say nothing to suggest that. But we have a busy programme and if the House were satisfied with the assurance which will be given in this matter by Government and were prepared in view of that assurance not to press the motion formally to a division—which would mean rising at six and not working for the remaining hour—if there be any general objection I would not press it but if it were possible to arrange for us to work for that hour from 6 to 7—we are taking a holiday on Monday—if the House could give us that extra hour, then it would be very acceptable to Government.

The Honourable the PRESIDENT: I can make a suggestion which will meet the point of view which the Honourable the Leader of the House has put forward if the House is prepared to sit till seven. The subject is of such great importance that I think it should be put to the vote to ascertain the feeling of the House in the matter.

After the vote is taken and if the motion is carried the House would adjourn but I can call it again five minutes later. I am sure the Honourable the Leader of the House will agree that that is the best way to meet with his wishes. On a subject like this the House should I think declare its decision by vote.

The Honourable Sir MAURICE HAYWARD: I am entirely agreeable to the suggestion made by you, Sir.

The Honourable Mr. H. S. LAWRENCE: Mr. President, this debate necessarily places the Government of Bombay in a somewhat difficult position. There are three parties concerned in this discussion: Millowners, Labour and the Government of India, and the Government of Bombay is a friend and ally of all the three. The last thing that the Bombay Government wish to do is to say anything or take any action which may seem to reflect unfavourably on the attitude of any one of these three parties. If I dared to use a well-known metaphor I would say that anybody who intervenes in a dog-fight is bound to be bitten; but that metaphor is barred, so, I will substitute that any one who enters an arena where three lions are fighting is bound to get mauled (Laughter). I think the House may congratulate itself on the high level on which the debate has been carried on by the previous speakers. There has of course been some vigour and bitterness in the speeches and it is impossible apparently to get any reference to exchange without some acidity of speech.

Two honourable members have in fact attributed a large part of the difficulties of the mill industry to the exchange and currency policy of the Government of India. It is a remarkable fact that in the memorial addressed to the Viceroy in March last by the Millowner's Association they did not attribute any part of their trouble to the currency policy of the Government of India. Further, Sir, I may remind the House that when the currency and exchange policy is discussed in any country in the world, and it is a burning issue everywhere just now, it is habitual to use

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vigorous language. But that vigorous language is limited to ascribing to the opponents the absolute limit of human stupidity; it does not go so far as to attribute sinister motives, and that is the unfortunate feature of the discussions that take place in Bombay on currency questions, the attribution of sinister motives.

Mr. LALJI NARANJI : (Made an observation which was inaudible.)

The Honourable Mr. H. S. LAWRENCE : One honourable member seems to find that remark go home. (Laughter.) Now, Sir, I would ask honourable members to consider this question from the business point of view. That, apparently, is the last point of view that appeals to the representative of the Indian Merchants' Chamber. But from the business point of view, if you have a very urgent and difficult question to discuss, is it worth while to start by calling your partners in the discussion bad names? It has been suggested that this cotton excise duty is "morally indefensible". Now, I hold no brief for the cotton excise duty, but that particular phrase 'morally indefensible' is a picturesque phrase for political platforms, but it is not a phrase to be used in business conversation. It is actually borrowed from a leader in "*The Times*," and the gentlemen who use that phrase have been in the habit of refusing to believe anything that is written in "*The Times*," but on this particular occasion they claim that particular phrase as being the absolute acme of human wisdom. The president of this Chamber of Indian Merchants, I see, quoted it the other day, together with a large number of other picturesque and defamatory epithets. Sir, this question was discussed last year in the Legislative Assembly. Two important members of the Government of India, Sir Basil Blackett and Sir Charles Innes, discussed the matter in quiet, deliberate terms, and they pointed out to the House that while these unfortunate epithets have been used at intervals during the last thirty years, circumstances have changed from time to time, and they both maintained that in its present circumstances this duty was defensible. Is it wise to go to authorities who have a potent voice in the discussion saying that this duty is "morally indefensible," immediately after you have heard from them that they have got, in their deliberate judgment, good reasons for defending it? However, that is a question of tactics, and I do not wish to say more on the subject. I rather imagine that the millowners may well pray to be delivered from some of their friends.

The whole question here is one of immense difficulty and complexity, and it seems to me that when we are considering a domestic problem of this character, it is not a bad thing to see how the matter is regarded from a distance. I came across a criticism from Calcutta, and the Calcutta people observed our proceedings in Bombay with the critical eyes of a candid friend. The summary that this Calcutta critic gave of our trouble was that it was due to several causes, and he enumerated the following. Firstly, over-production; secondly, mismanagement in certain mills; thirdly, lack of unity; fourthly, the excise duty; and fifthly, Japanese competition; and it will be noted in some quarters, no doubt with indignation, that this

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Calcutta critic made no reference to the exchange and currency policy of the Government of India.

Sir, I assume that some honourable members here are not more fully informed on the subject than I was a few days ago, and I would like to touch on a few of the points which have especially attracted my attention. In regard to the first point of the Calcutta critic, namely, the question of over-production, before the War imported goods represented 32 hundred million yards, and mill production 11 hundred million yards. The latest figures available are imports, 15 hundred million, and mill production, 20 hundred million. You will observe that the imports have fallen by more than one-half and that the mill production has almost doubled. That is, comparing the last figures with the figures of 1913-14. Now, Sir, against an average rate of 9 annas before the War, these mills in March last were selling their stuff at an average of 22 annas a lb. It has now fallen to 18 annas a lb. The price of cotton represents 60 per cent. of the price of piece-goods. Therefore, the ryot who grows cotton is getting double his former returns, say, 11 annas as against 5 annas; and the cost of manufacture is 7 annas against 4. The point that the millowners have to explain, if they are put the question, is, why can the mills not work at a profit on this margin? These figures suggest that they have a margin now of 7 annas on 2,000 million yards, whereas formerly they had a margin of 4 annas on 11 hundred million yards, that is to say, in round figures, 20 crores margin against 7. There is a very large margin there to meet many of their expenses.

Mr. LALJI NARANJI: Where have the figures been obtained from?

The Honourable Mr. H. S. LAWRENCE: These are figures taken from the documents published by the Millowners' Association, last March. I merely suggest that the millowners do not appear to have put forward their case yet with all the strength of detail which they no doubt can do. An industry which disposes of such vast sums should have at its command the most complete organisation, and should be able to supply definite proof on all points affecting their industry. But it is very remarkable that in the recent discussions in the public press, statements are made and are immediately refuted on matters which should be beyond the possibility of question. I refer in particular to this question of Japanese competition. As an illustration, one view put forward is that Japan, with its market protected by high duties, can dump its surplus products in India, and further that their trade is assisted in the matter of freight by Government control of shipping. But these allegations when made are promptly denied, and the Millowners' Association does not appear to be in a position to prove its case. This industry has commanded profits actually greater than the whole revenue of the Bombay Government in recent years, and it is certainly incumbent on them to make these simple facts perfectly clear to the public, when they ask for the sympathy of the public.

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In regard to the excise duty, the Finance Member stated in the debate last March in the Legislative Assembly that :

“ The Cotton Excise Duty is a tax for the history of which I have not a word to say. It was, I think, bad in its origin, bad in its incidence when first imposed, and when the Taxation Committee comes to enquire into it now I think it will very likely say that it is a tax which even now is not altogether desirable in its operation. I should never be averse to being the Finance Member in whose period this historic wrong was righted ” ; and the only question is how soon he can redeem this pledge. The excise duty amounted to 56 lakhs 10 years ago and has now risen to over 2 crores under the combined effect of increase in production and increase in the cost of goods. The abolition of the duty will not put the mills on their feet ; it would only be a palliative : a reduction of a part of their losses.

So also in regard to the wages of labour. If a cut of 11½ per cent. is made in Bombay this may represent 70 lakhs or a little more than 1 per cent. of the value of the total outturn of cloth. This is again a very minor palliative of the evil.

Finally we come to the thorny subject of Japanese competition. Before the War they had some 2½ million spindles and 25,000 looms. Now Japan has over 4½ million spindles and about 65,000 looms : an increase of nearly 100 per cent. in spindles and over 150 per cent. in looms. Their imports into India rose from 20 lakhs in value in 1913-14 to 4·2 crores in 1922-23 and this year are about 6 crores. But the important point is not the amount of their imports up-to-date but their power to increase their imports suddenly. Whereas ten years ago their spindles were 35 per cent. of Indian spindles and their looms 25 per cent. of Indian looms, they have now drawn up nearly to 60 per cent. in spindles and over 40 per cent. in looms. Further we are told that they work double shifts and impose conditions upon their labour which are contrary to the Geneva Convention. It is alleged that by this means they are able to undersell our mills and that there is a serious danger that at any time they may pour into India immense quantities of yarn and piece-goods.

Now, Sir, the problem before this House is to decide in what directions lies the true interest of India. I refer particularly to this question of the dumping of Japanese goods. The question is : should we welcome these imports as a boon and a benefit or should we urge that they must be regarded with disfavour as an injury ? Well, either view is possible, and it is for this House to give its advice. If the House prefers the protection of Indian industry then there arises the complication of commercial treaties. No differentiation in import duties can be exercised against Japan, for Japan has by treaty the right to enter on the same terms as any nation outside the British Empire. On that point the honourable member Mr. Wadia has just produced a very important telegram regarding the action of Australia. That is a point I submit that ought to have been in the possession of the millowners immediately that the action was taken and that ought to have been placed before the Government of India and not brought forward to-day.

Mr. N. N. WADIA : It was in the *Indian Trade Journal* of the 23rd July.

The Honourable Mr. H. S. LAWRENCE : It must have been known in Australia before. Now, this argument leads us directly to the problem of Imperial preference. It is possible without prejudice to any commercial treaty to levy higher rates of import duty against all nations outside the British Empire. In that case the rates could be so adjusted as to give protection to our mills against this Japanese competition. In regard to the imports from England, the Millowners' Association in their memorial to the Viceroy on the 17th March last advanced the argument that there was no competition whatever between the cloth manufactured in Lancashire and the cloth manufactured in Indian mills. Therefore, if Imperial preference was introduced on this one article it could be applied to English piece-goods only. The preference need not be extended to the Colonies or Dominions ; and the restrictive effect of higher duties would give protection against Japan or other competitors outside the Empire. Members of this House in forming a conclusion on this subject of Imperial preference will no doubt bear in mind the discussion of this question by the Indian Fiscal Commission, and in particular the views expressed by you, Sir, the chairman, and the Indian members who signed the minute of dissent. They recommended Imperial preference provided that the decision in regard to every article rested with the non-official members of the Legislative Assembly. The very able presentation of the arguments for and against Imperial preference contained in that report deserves the close study of every member of this House. Is this House prepared to take the responsibility of making that proposal ? Imperial preference has not been popular amongst certain sections of public opinion in this country, but within the last few years we have seen a very considerable change of opinion on certain matters of policy, and it is possible that this matter may now be debated in a more favourable atmosphere. It is not for this Government to offer any opinion upon it, but I just put the problem for the consideration of this House.

Now, Sir, to sum up, it is clear that this matter is beset with complexities and that many factors are still in doubt. The sympathies of the House can be offered equally to the labour party and to the millowners, and I hope it will not be withheld from the Government. A course open to the millowners is to ask for an enquiry by the Tariff Board. That enquiry was offered to them in September last in the Legislative Assembly by the Commerce Member. It is equally open for the advocates of labour to apply to the Government of India for this enquiry by the Tariff Board. That is a point that has not been realised by the advocates of labour. It is no doubt true that the cotton industry does not come strictly within the conditions contemplated in February 1923 when the Tariff Board resolution was passed by the Legislative Assembly. But since that date there have been various changes under the new regulations of the Board of Trade in England issued only in February last, and this industry does come strictly within the conditions laid down in the

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command paper of February last. There is no doubt that the scope of the Tariff Board enquiry would be extended on those lines if it were so desired by the Indian Legislative Assembly.

Sir, I will conclude at that. I have many other things to say, but I will spare the time of the House.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I rise to support the motion on behalf of the Ahmedabad Millowners' Association. I would like to deal with two or three points that have been raised by the honourable member Mr. Grantham and the Honourable Mr. Lawrence. The first point was that of over-production, and it was raised by the honourable member Mr. Grantham. I will simply quote one sentence which has been written by an Indian economist and that is a sufficient reply to Mr. Grantham:—

"Time was when, as one of the European travellers of the early 17th century observed, 'there was not a man, woman or child from the Cape of Good Hope to the easternmost islands of Japan who was not clad from head to foot in the products of the Indian looms'. India had for thousands of years a complete monopoly of the world's markets of the cotton manufactures, thanks to her skill from days immemorial in the spinning of yarn and weaving of the richest and lightest and most fanciful fabrics. To-day that position is a dream of the past, the vanished past, which the children of India remember only to their shame and humiliation. For to-day the products of Indian looms do not get a chance of supplying the markets even of India herself."

This is the actual record published in books written by European travellers. May I ask the honourable member now to consider what the latest figures show? India imported three years back 60 crores worth of cloth, then in the next year it imported 70 crores worth of cloth, and the latest figures that I have got, show that it imported 83 crores worth of cloth during the year ending March last. The indigenous mills, on the other hand, produced only 60 or 59 crores worth of cloth in the last year. So, in order to supply the home demand alone the indigenous industry can still double its looms and spindles and yet leave a margin for foreign imports. May I ask the honourable member whether this is sufficient proof of over-production or a valid proof for the extension of that *Premier Industry* in order to make it the *biggest* industry next only to that of England?

Now, I will take up the point raised by the Honourable Mr. Lawrence, namely, *Exchange*. This is a technical subject, and I will give honourable members only one simple example. Exchange to-day is 1s. 6d. and it has been maintained at that level for the last six months. It means that for importing goods worth £100 you are required to pay not Rs. 1,500 but roughly Rs. 1,300. That is you gain Rs. 200 in making payment of Rs. 1,500 in importing foreign stuff. That means a protection of some 13 per cent. for the imported goods against indigenous manufacture. Again on the other hand we are paying 3½ per cent. on our manufactured goods as excise duty. The margin of 13 per cent. is thus a kind of subsidy to foreign imports given by exchange. I think that is a sufficient reply.

Now in regard to the excise duty, I may draw the Honourable the Finance Member's attention to what certain well-known people, for whom he has great respect, have stated. In 1916 Lord Hardinge himself

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declared that that duty was unwise and it ought to be abolished. Then the Honourable Sir Malcolm Hailey declared in or about 1920-21 that this duty should go. Then, Sir Basil Blackett in September last in the Legislative Assembly also admitted that the duty was wrong and even Sir Charles Innes, the Commerce Member, also admitted that it was wrong in principle and it ought to be abolished at an early date. Further in 1925 at Bombay Dinner in London the ex-Governor of this very presidency, Sir George Lloyd, said : " I have always felt that the imposition of the excise duty on cotton goods intended originally to countervail the duty on Lancashire cloth was a mistake ". Then, Sir Manekji Dadabhoj in addressing the Manchester Chamber of Commerce recently expressed the same opinion and lastly, Sir Frank Nelson, who was the Chairman of the Bombay Chamber of Commerce, said in Parliament the same thing. These gentlemen's opinions are more than sufficient, Sir, to contradict him.

Mr. S. K. BOLE : Sir, I am a layman, not a business man, and have spent my life in social work, but I know that if a similar state of affairs had existed in England, the Government of England would not have sat silent, but would have gone so far as to throw away their philosophic policy of free trade. As regards the excise duty, I may tell you, Sir, that no country in the world imposes a duty like that on production. As regards the suggestion made by the Honourable Mr. Lawrence, I may tell him that his argument does not apply because the mill industry is not a nascent industry. Then, as regards our co-operation with Capital, I may tell this honourable House that we have tried to associate ourselves with Capital in respect of the excise duty and for the removal of that duty we have approached the Government of India and the Government of Bombay by submitting to them a resolution. With these words I commend my motion for adjournment to the unanimous acceptance of the House.

The Honourable Sir MAURICE HAYWARD : Mr. President, I am sure I cannot be charged with making a supererogatory remark in complimenting once more both sides of the House on the very high level of debate which has been observed in the discussion this afternoon. The speakers on both sides have devoted themselves to the essence of the matter in hand and have made a real effort to find means to meet the serious situation with which we are at present faced. I think, Sir, that this debate has been not only extremely useful for the immediate purpose for which it was originated but it has been useful also as affording a marvellous indication of the real power and sense of responsibility which is inherent in this honourable House (Hear, hear).

I sympathise entirely with this motion. We are, Sir, face to face with a crisis of a most serious nature in a great industry which is the mainstay not only of the city of Bombay but, Sir, I think I may say, of the Bombay Presidency. I think, Sir, that the sense of unity between Capital and Labour displayed in this matter this afternoon is a happy augury of our being able to find a satisfactory way out of the present difficulty and a means of restoring the prosperity of that great industry. The

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capitalists, Sir, have shown they have at heart the welfare of their operatives. We find not only a representative in this House whose deeds have demonstrated beyond dispute this remark; but we know also, Sir, that there are other capitalist millowners outside this House who have consistently done their utmost for the welfare of their labourers. The care for the welfare of the labourers has also continuously been the anxious thought of the Bombay Government. We desire, Sir, to do all we can to mitigate in every possible way the difficulties under which the labourers live in the great city of Bombay. But we have at heart not only the interests of the labourers but we have also at heart the interests of the capitalists who have invested in this great industry so much of their savings and wealth. It will be our duty, Sir, to represent these views of the Bombay Government in forwarding to-day's proceedings to the Government of India.

The commercial questions here debated are not, Sir, for me to enter into in detail, for one thing for lack of experience and for another because they have been better dealt with by several previous speakers but more especially because they are not within the immediate sphere of the duties of the Local Government. But, Sir, we will forward as early as we possibly can a full report of the debate which has taken place this afternoon in this House and we will move for the sympathetic and urgent treatment of this great crisis which is before us, the Presidency and the Bombay Government, and press that the representation involved in this motion shall receive the immediate and urgent consideration of the Government of India (Applause).

Question put :—

"That in view of the grave situation in which the Bombay Cotton Textile Industry finds itself and the possible effect of the decision of the Millowners' Association to reduce wages of their workers which will affect a lakh and fifty thousand operatives of Bombay and their families and also the effect of this situation on the welfare of the Presidency as a whole, this Council earnestly requests His Excellency the Governor in Council to be pleased to place the gravity of the situation before His Excellency the Governor-General in Council urging him to take such steps as would bring about immediate relief to the mill industry and the operatives working therein, and that the House do now adjourn."

and carried unanimously.

The House then adjourned till five minutes past six o'clock.

The Council re-assembled at 6-05 p.m.

BILL No. XIII OF 1925 (TOTALISATOR BETTING TAX BILL.)

*[Further consideration of the first reading of Bill No. XIII of 1925
(An Act to impose a tax on totalisator betting) resumed.]*

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Mr. President, I want to oppose Bill No. XIII of 1925. The preamble states :

"Whereas it is necessary to make an addition to the public revenue of the Bombay Presidency and for that purpose to impose a tax on totalisator betting."

But it is very dangerous to make an addition to the public revenue by encouraging some sort of vice. In the beginning such revenue may be very palatable, but sooner or later that revenue increases the expenditure

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and when we realise that the revenue from a particular vice should be reduced, that is to say, that sort of revenue should be thrown away for the purpose of reducing public misery that is caused by it, then the increased expenditure cannot possibly be reduced and the resolutions and the desires of doing away with that particular sort of vice remain mere pious hopes. I would particularly draw attention to sub-clause (2) of clause 3 of this bill. It says :

"The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that this Act or any portion thereof shall come into operation in any other area in the Bombay Presidency on such date as may be specified in such notification."

Just now this evil of racing which is ruining thousands of families, which is leading to triple murders, quadruple murders that we are reading in newspapers, which is leading to society's ruin and chaos, is rampant in Bombay and in Poona. Just now I have heard that an additional enclosure is created for the poorer people. The addition will lead to the ruin of the poorer masses. Now, Bombay and Poona are affected. But the Act may go further and places like Ahmedabad, Karachi, Belgau and Dharwar,—these are big cities,—may also be affected. Government will say: "By having the race-courses in Bombay and in Poona we can get 12 lakhs of rupees as revenue; let us issue licenses of race-courses in other places, and all those places also will take to gambling and consequently they will bring more revenue to this Presidency." When the liquor trade was begun by Government, it must also have been begun in a few places, and what was the result? Every place is now affected by the liquor traffic, and a man who may be moving in the streets will certainly realise how people are ruining themselves and making the lives of their families most miserable, most pitiable. Now, 10 years ago the liquor revenue was only one crore of rupees; now it has come to 4½ crores. The whole House has passed a resolution for bringing about prohibition, but that prohibition may be a pious hope because this revenue of 4½ crores is staring in the face of each and every individual. As the revenue increases, the expenses also increase. And just now, is it possible for us to collect a revenue of 4½ crores without the greatest difficulty? Shall we be able to cut down the salaries of those highly paid servants? Shall we be able to cut down the expenditure that has grown in all directions? If we are self-governing, we may ask people who are getting high salaries, "Will you be prepared to receive 50 per cent. less pay than you get now or retire?" If we had self-government, we could say "If you like to serve on such and such pay, you can serve; otherwise you go away." Have we got this power? If that power was there, then we could control this expenditure and would like to have revenue. What will it mean now? It will mean increased expenditure. You will have more officers whose salaries you cannot touch and the additional revenue will be swallowed. The increased revenue means increased expenditure, and the increased revenue will be done away with. And it is very difficult to bring down expenditure as long as this House has not got the power over all the expenditure, and till we have got self-government, it is very dangerous to put additional revenue in the hands of an irresponsible

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government. Just now, I can point out that this bill has been so framed that the proprietors of the Western India Turf Club will not have a single pie taken away from their pocket. An illustration was given by the Honourable the Finance Member in which it was pointed out that supposing in one race a lakh of rupees was received by betting on the totalisator, then out of this lakh of rupees, Rs. 4,000 will be received by Government as revenue. But practically, out of this Rs. 4,000, Rs. 400 will be paid by the Western India Turf Club, while the remaining Rs. 3,600 will be paid by the unfortunate public that goes to the race-course and gets ruined. Now, it was pointed out that the totalisator tax may come to about twelve lakhs of rupees in one year. Now at the same ratio, when the Government gets Rs. 4,000 the Western India Turf Club pays only Rs. 400; on that ratio out of twelve lakhs of rupees the Western India Turf Club will pay annually Rs. 1,20,000. Now, on account of the imposition of this tax another consideration has been shown to the Western India Turf Club, namely, that the tax on their gate money is going to be reduced from 50 per cent. to 25 per cent. The Honourable the Finance Member pointed out that Government is now getting nearly Rs. 1½ lakhs from this source. The total amount received from the Western India Turf Club will be 3 lakhs and out of that 50 per cent. is 1½ lakhs. As has been pointed out by the Honourable the Finance Member, by the reduction of gate money by 25 per cent. it will attract more people to the race-course and as a result instead of 3 lakhs the receipts at the gate will be 4 lakhs. The income from the gate money will be 3 lakhs to the Club after paying the tax. Thus the income increases by 1½ lakhs, while they would pay out of the totalisator taxation Rs. 1,20,000. If we take into account the income-tax and super-tax they pay to the Government of India, they will have a greater saving and they will have to pay less in the form of income-tax and super-tax. In other words the bill has been brought forward in such a manner that it does not touch the finances of the Western India Turf Club. On the other hand, it replenishes the finances of that club. There may be enthusiasts of free primary education, medical relief and so on who may be anxious to get money from any source. Supposing this is a source of income, where is the guarantee that this will be invariably utilised for those nation-building departments? Fortunately we in Ahmedabad are free from this vice at present. Some European club may in future come and start a race-course. Government will give the license because they would tax the totalisator and get money from it. Because we are members of the Legislative Council and thus form part of Government, we will also be tempted to get that money. Just as we have got liquor-shops all over the presidency, we will have race-courses throughout the length and breadth of the presidency. There will be ruin in thousands of families. Therefore, I appeal to the House to refuse this tainted money. Our successors will find it very difficult to do away with this form of vice just as we find it difficult to do away with the drink evil. Government say that within 20 years' time they will do away

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with the liquor evil and I do not know how many years it will really take to end that vice.

The Honourable the PRESIDENT: The honourable member is repeating his argument over and over again.

Mr. J. C. SWAMINARAYAN: It is dangerous to get money from another tainted source, which will bring ruin to thousands of families in this presidency. Therefore I strongly oppose this bill.

Mr. M. R. JAYAKAR (Bombay University): Sir, the honourable member who spoke last has done well in putting before Government an extreme view of this matter. I am very glad that he has spoken freely. All these views have been very carefully considered by the Swaraj party and they have decided to give this bill their qualified support. It is qualified in the sense that they will not object to the principle of the bill and will allow it to go to the select committee. But before it comes back from the select committee, they are anxious that certain clauses of this bill which are of vital importance should be totally deleted. What these clauses are I will presently state to my honourable friends. If these clauses are totally deleted and if the modifications that I am suggesting to the Honourable the Finance Member are made, this bill will receive in future the unqualified support of the Swaraj party.

Sir, like my honourable friend Mr. Pradhan who spoke in the early part of the day, I am one of those who have never visited a race-course. But unlike him, I congratulate Government that they are for the first time tapping a source of revenue which has so far, owing to its being in very powerful hands, remained immune from the inroads of the tax gatherer. As a rule my party is averse to raising any more money by way of taxation and putting it in the hands of my honourable friend opposite (the Finance Member). The reason is that even with his present resources he is very extravagant. In this particular case however we shall make an exception and allow this bill to go to the select committee contenting ourselves with laying before Government a few difficulties which have to be removed before the bill can become acceptable to a popular party like mine.

My first submission to this House is that the Western India Turf Club has not been taxed enough. I know in saying this I am giving vent to a heresy, but I cannot help feeling that having regard to the prodigious affluence of that institution the Government might have gone much further and instead of putting the maximum at 4 per cent. (to which limit the tax may never rise as the Honourable the Finance Member made it clear) should have raised the maximum to the level of the German Act, viz., 16 per cent. My grievance therefore is that the tax has not been raised high enough. I do recommend to Government that when they take the bill to the select committee they will instead of 4 per cent. adopt a much higher percentage. I know it will make the bill unpopular in certain quarters which are now friendly to its adoption. But I assure Government that they can rely on the support of the popular

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side of this House, if they take this courageous course and raise the limit to the figure I have suggested.

We are further anxious that this money which Government will realise—I am expressing the definite feeling of my party though I am quite aware that the money cannot be legally earmarked—should be utilised for one or two important purposes. We are desirous that the proceeds of this tax should be utilised as the entertainments tax has been agreed to be utilised. I do not know whether in fact the proceeds of that tax are being utilised in the manner promised. I want Government however to give an assurance to this Council that the proceeds of this tax also will be utilised for one or the other of two purposes, namely for the spread of education or, if that cannot be done for some reason, then for making good the loss which the revenue may sustain by reason of total prohibition being gradually introduced. Either of these two purposes will satisfy popular opinion, and will considerably modify our resolve not to place more money in the hands of the Government. I do not wish to reveal any party secrets, but I assure the Government that if they accept my suggestion they will get considerable support from my party. The second thing I want to mention is that the clause 10 should be absolutely deleted. I know the Honourable the Finance Member will not agree to this suggestion because as I read from his speech he is anxious, as he said very clearly, that the same tax-payer should not be taxed twice. That was his argument as I understood it. But may I say for his consideration that it is in many cases possible and even desirable and expedient to tax the same tax payer at two or more different places, in respect of different transactions and different occasions? Many of us are taxed on more than one occasion, in different capacities and provided the occasions are apt, there is nothing exceedingly inexpedient in doing so. I can assure the honourable member that one test of a good tax is that it should be levied at a time when the tax-payer is in a mood to pay. It is a well-known canon of taxation which we all learn as students that the tax gatherer should go for his dues at a time when one is in a mood to pay. For instance when one is in a club house and inclined to have a drink, any extra dues levied at such a time one does not much mind, because one is in a mood to pay. This House accepted that principle when they passed the entertainments tax. When one goes to a cinema, one is in a mood to pay. People do not mind then paying eight annas or one rupee more. On this principle, I do not see much difficulty in taxing a pleasure-seeking race-goer, once at the gate and once again when his spirits are high and he is about to bet. Therefore I submit this in all confidence for the consideration of the Honourable the Finance Member and I hope he will see his way to remove clause 10. Though not a race-goer myself in the past nor likely to be one in the future, I can well understand the mood of the man who goes to the races. I often see loaded cars going to the race-course on Saturday afternoons. I see the visitors are in a holiday mood. I myself have felt on these winter afternoons, as if I was once more at school. One is out to enjoy a holiday, and in such a mood, questions of pounds, shillings and pence are not a great consideration. I

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therefore submit this view to the Honourable the Finance Member who has, I am sure, greater experience in these matters, I will not therefore pursue my argument any further.

My second reason for making this suggestion is this. Under clause 10 we can go beyond 4 per cent. The figures that the Honourable the Finance Member gave in his speech no doubt are a correct basis under the present circumstances. He had shown very clearly, if I followed his figures aright, that what we lose under clause 10 is a lakh or a lakh and a half against 6 lakhs which we gain by this measure. That is all right at present. I am not however sure whether this ratio will be maintained throughout. In any event I do not want to give up any revenue which can be collected without difficulty. I do hope therefore that the Finance Member will see his way to make as much money as possible out of the pleasant mood of holiday makers. I am told, Sir, by the honourable member for Nasik, who represents liberal traditions in the House, that he as a moralist despises this bill. May I say that I am no less a moralist than he is, though a Swarajist. But I do not see any reason why the State should not make some money out of the failings, follies and caprices of human beings, which it cannot totally suppress. I see, Sir, no way of entirely checking this vice of betting. We are powerless to do it. Nay, the evil is growing more and more. I do not see any chance for any prospective legislation having the effect of stopping race betting absolutely. (Mr. R. G. Pradhan : Question.) My honourable friend says 'Question'. I am willing to give him a trial at the next session. May I tell him that if he introduces legislation to stop betting, I will assure him that my party will give him their best and unqualified support, small as we are, 28 in number ? He will be the 29th man. Will he try ? Therefore I say, Sir, that it is very difficult to get a complete cessation of this evil. My fear on the contrary is, as I said, that it will grow. (Mr. R. G. Pradhan : Question.) If so, while it lasts, why not control it and make a little money out of it ? That is why we are supporting this bill. I do hope the Honourable the Finance Member will see his way to give the necessary assurance to the House that any money which Government will make out of this tax will be utilised for the purposes of the departments in charge of my honourable friend, the Minister of Education or that they will be used for making good the deficit which will be caused by the gradual introduction of total prohibition.

I have mentioned a few considerations to this House and if these are attended to in the select committee, my party will support this bill at the second reading.

Mr. R. D. SHINDE (Nasik District) : Sir, I support the bill before the House. The opposition so far in the House is based on the ground that the tax is immoral and that it is improper that Government should make revenue out of any vice. But there is another important aspect of the question which the House must take into consideration and that is the financial aspect of the question, and I am glad that the honourable leader

[Mr. R. D. Shinde]

of the Swaraj party in giving his qualified support at this stage has given weight to this consideration in so far that though it is objectionable on the ground of immorality there are other considerations which should carry weight with this honourable House, namely the financial aspect of the question. This House is responsible for voting money necessary for the administration. Sir, when at the budget session proposals were made by Government for taxation on court-fees and stamps, objections were raised by mofussil members that the court-fees would operate harshly on the agriculturists and also by some of the Bombay members that the Stamp Bill would operate harshly upon transfers of property in Bombay and other big cities. But, Sir, the present proposals of Government are really free from any objection. The only objection, as is pointed out by the leader of the Swaraj party, is that the proposed tax will operate very lightly on the Western India Turf Club, not that it is a very bad tax in principle. I admit, Sir, that racing is a vice, but that ought not to prevent the State from making some money out of it, money which can be utilised for such laudable objects as the spread of compulsory primary education and sanitation. My honourable friend Mr. Swaminarayan said that the money which will be realised by this tax will come out of the pockets of poor people. I join issue with him in regard to that. I may point out that the money that will come will not be from the pockets of the poor people, but from the pockets of those fortunate people who are fortunate in backing horses and getting those horses returned as successful horses. The Compulsory Primary Education Act will come into operation very soon; the district local boards are getting their schemes ready, and a lot of money will be necessary from Government in order to meet their share of the expenditure, and the proceeds of this tax might be very usefully utilised for giving more money to the district local boards. With these words, I support the first reading of the bill.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I join hands with the honourable leader of the Swaraj party in distinctly making it clear to this House that this House should not be in a mood to pass this bill as it has been placed before the House. It is necessary, in supporting my case, to go back to the discussion in December 1922 when the Entertainment Duty Bill was brought up before this Council by the present Finance Member. The history of the passing of that Act is important in inducing this House to make up its mind that it shall not reduce the 50 per cent. tax upon entrance fees to the race course that has been fixed by this House in 1922. If the Government propose that it should be reduced because of the present proposal to tax the totalisator, then this House shall stand strong in not giving up the 50 per cent. tax upon the entrance money to the race course, and I want to satisfy the House that it would be a loser by accepting such an amendment. The present proposal for reduction is put in a corner of the bill; it says "Change 50 per cent. into 25 per cent." That will have the effect of taking away from this Government a sum of about Rs. 2 lakhs. If the Government's

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intention is to put that alternative before this House, I think this House should stand as one against the reduction of 50 to 25, and if the Honourable the Finance Member intends to treat this House in the same way as the Honourable the General Member has done in regard to another bill, by refusing to move the third reading of the bill or holding it back, the House might as well make up its mind to throw out the bill at the first reading. But if the Government intend that they will leave it open entirely to the House to retain the 50 per cent. and at the same time to tax the totalisator, it would be a positive gain to the exchequer, and it is only on that understanding that this House should allow this bill to go to the select committee.

Sir, in December 1922, when the Honourable Mr. Lawrence presented the Entertainments Duty Bill to this Council, it was sent to the select committee, and the select committee resolved that entrances to the race course should be taxed at 50 per cent., that is to say, the amount gained by the Turf Club out of the entrance money should be taxed 50 per cent. or half of it should come to the exchequer. Whether it was to be collected by tickets or whether it was to be collected by any other means, is not our concern, but when it went to the select committee, the select committee returned it with the recommendation that the entrance fees to the race course should be taxed to the extent of 50 per cent. As regards other amusements which are a luxury just as entrance to the race course is a luxury, the select committee reported that the tax should be on a graded scale not exceeding 25 per cent. After the select committee's report; when the bill came up for second reading, the Honourable the Finance Member himself proposed that that 50 per cent. should be reduced to 25 per cent. that is to say the Honourable the Finance Member called upon this House to reduce the amount that would be gained by this tax by half, and the figures that he gave.....

Mr. J. BAPTISTA: It is all wrong.

Mr. B. G. PAHALAJANI: I am quoting from the proceedings, the President of the Bombay Corporation was not then a member of this House.

The figures that were then given by the Honourable the Finance Member were that there will be an income of Rs. 8 lakhs to the Club; 25 per cent. of that would be Rs. 2 lakhs, and that amount would come to the exchequer. If it was 50 per cent., the amount that would be gained, according to the figures given by the Honourable the Finance Member, would be Rs. 4 lakhs; that is to say, Rs. 2 lakhs more if the tax were maintained at 50 per cent. The Honourable the Finance Member was anxious at that time that it should be reduced to 25 per cent., and he expressed the will of the Government that they had resolved that it should be reduced from 50 to 25 per cent. The House opposed that proposal, and amongst those who opposed it was my honourable friend representing Labour (Mr. Bole) who, in very strong terms, condemned the reduction, and we succeeded in maintaining the figure at 50 per cent. and not at 25 per cent. This exchequer, therefore, stands

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benefited from the date of the passing of that Act, that is to say, March 1923, to the extent of getting 50 per cent. of the admission fees to the race course. Now, what is intended to be done is to give the exchequer 4 per cent. on the totalisator—the exact amount we do not know - or one-twenty-fifth of the income of the totalisator, and to take away on the other side 25 per cent. from the entrance fees, which is according to the figures given by the Honourable the Finance Member himself, about Rs. 2 lakhs. Now, if the House intends that both the incomes should come to the public exchequer, and if the House binds the Government to the declaration that the Honourable the Finance Member himself made that this money will be devoted to compulsory primary education, then this House would be perfectly justified in having both the taxes, and both the taxes should be utilised for the benefit of the Minister for Education. But if the Government intends to take away on one side a portion of the income from the entrance fees to the race course, and to give us what I think the lesser income of the tax on the totalisator—they are all incomes from taxes on luxuries, because the people go there with the intention of spending, they cannot be pitied, they cannot be considered as unfit to be taxed in this way—then I submit to this House that this bill should not be passed. But if the Government is in a state of mind to give to this Council the perfect option to tax the entrance fees at 50 per cent. and to submit itself to the will of this Council, and does not intend to stand upon its own right by not proposing the third reading or withdrawing the bill; if the Government gives an undertaking that it would leave it entirely to the will of the House to remove clause 10 which reduces the tax on entrance fees to the race course by 25 per cent., thereby reducing the income by Rs. 2 lakhs, then I think this Council will be well advised in allowing this bill to go to the second reading.

Mr. J. BAPTISTA (Bombay City, North): Sir, I am glad the House also recognises in this Club the goose that lays the golden eggs. I think they ought to take advantage of the golden eggs; whether it is moral or immoral, I will not dwell upon it. I do not think anybody wishes to kill the goose that lays the golden eggs. Now, Sir, there is only one point on which I wish to lay emphasis and that is this. My honourable friend referred to reducing the duty from 50 per cent. to 25 per cent. Now, the effect of that will be that a larger number of people will go to the race course. Now, all that tax is levied from the people. The Turf Club itself have increased their fees: to make up for the tax, they have raised the gate fees by Re. 1. I think therefore they take it from the people. The result of reducing the duty will be a larger number of people will go to the races.

So far as the other tax is concerned, I am astonished to see people saying that we should tax 10 per cent. or 11 per cent. I do not suppose they have realised the real effect of section 5. Section 5 says:

“There shall be charged, levied and paid to the Government of Bombay out of all monies paid into any totalisator by way of stakes or bets a tax on backers hereinafter referred to as the totalisator tax at such rate not exceeding 4 per cent. of every sum so paid....”

[Mr. J. Baptista]

That means 4 per cent. of what is paid into the totalisator. At present the Turf Club takes 10 per cent. of what is paid into the totalisator, and 10 per cent. of what is paid into the totalisator has in one year, so far as I know, amounted to 50 or 60 lakhs. Four per cent. of that will be 20 to 22 lakhs. I do not suppose it has entered into the head of any one that we are going to get 20 or 22 lakhs. My honourable friend the Vice-President maintained that the tax of 4 per cent. is on that one-tenth of what the people pay into the totalisator. I should like Government to explain whether they are going to take 4 per cent. of what is paid into the totalisator or 4 per cent. of what the Turf Club takes as its share, that is 10 per cent. of all the monies paid into the totalisator. I must think it is 4 per cent. of what is paid into the totalisator. That means 20 to 22 lakhs from Bombay and Poona as well. If you want to get that out of the people, then the Turf Club will have to deduct 14 per cent. of the monies paid into the totalisator, and that 14 per cent. will kill the goose that lays the golden eggs. But 10 per cent. is actually enough. If 4 per cent. is to be deducted from the 10 per cent. which the Turf Club takes at present, then they will be making a large sacrifice, and I think it would be a very generous policy on their part to allow it. (An honourable member: No, no). Because, I think, Sir, the balance of 6 per cent. is necessary for their expenses. I am pretty well familiar with the Turf Club. But I maintain that this 4 per cent. should be 4 per cent. of what is paid into the totalisator. If it is only 4 per cent. of what the Turf Club gets, then it will be only 2 or 3 lakhs, and it is not worth having at all, and I will throw out the bill. But I will support the bill if it is 4 per cent. of what is paid into the totalisator.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I have great pleasure in setting at rest the anxiety of my honourable friend Mr. Baptista. I do not quite know why those anxieties should exist in the mind of a gentleman so well capable of following the meaning of simple words of two syllables. They are there:

"There shall be charged, levied and paid to the Government of Bombay out of all monies paid into any totalisator by way of stakes or bets a tax on backers hereinafter referred to as the totalisator tax at such rate not exceeding 4 per cent. of every sum so paid...." That is to say, 4 per cent. of all the monies paid into the totalisator, not 4 per cent. of the sum retained by the Turf Club. (Mr. J. Baptista: That is what the Vice-President thought.) It is perfectly clear that this 4 per cent. is of all monies paid into the totalisator. If the money retained by the club was at any time so much as 55 lakhs, the amount we should get would be 40 per cent. of that, that is 22 lakhs. Of course that sum of 55 lakhs was in the boom year. We are not likely to see that sum again at present. (Mr. J. Baptista: It is 40 lakhs now.) I may as well assure my honourable friend Mr. Pradhan that we shall not see such money put into the totalisator again as was put in the boom years. (An honourable member: What is it now?) I am afraid it is not a Government institution (laughter), and I cannot give figures. I would ask that this matter be allowed to go to the select committee and ask that the bill be read a first time.

Bill read a first time. Question put and carried.

The Honourable the PRESIDENT : The bill is read a first time.

The Honourable Mr. H. S. LAWRENCE : Sir, I beg to move that Bill No. XIII of 1925 (A Bill to impose a tax on totalisator betting) be referred to a select committee consisting of the following members ; namely : Mr. A. N. Surve, Mr. V. A. Grantham, Sir Vasantao A. Dabholkar, Mr. Hoosenally M. Rahimtoola, Mr. J. Addyman Moulvi Rafiuddin Ahmad, Mr. J. Baptista, Mr. G. B. Pradhan, Mr. L. B. Bhopatkar, the Honourable Mr. B. V. Jadhav, the Honourable the Finance Member and the Secretary in the Finance Department, with a quorum of seven, and that the committee be asked to report by the 15th of September 1925.

Mr. L. B. BHOPATKAR : Sir, may I make one suggestion? I think that one of the gentlemen who opposed the first reading of the bill should be included. I shall be pleased to withdraw in favour of such gentleman.

The Honourable the PRESIDENT : They do not want to have anything to do with the bill. How can they serve on the committee? The Honourable the Finance Member as the mover will consider any suggestion made. I can only take notice of any motion that is put before the Council. Does the honourable member wish to move that as an amendment?

Mr. L. B. BHOPATKAR : Sir, I suggest that Mr. Swaminarayan should be on this committee.

Mr. J. C. SWAMINARAYAN : I decline to serve on the committee.

Mr. L. B. BHOPATKAR : If not, then Mr. R. G. Pradhan.

Mr. R. G. PRADHAN : Being opposed to the principle of the bill I refuse to serve on the committee.

The Honourable the PRESIDENT : I warned the honourable member.

Mr. M. R. JAYAKAR (Bombay University) : Sir, the Honourable the Finance Member, having been made aware of the attitude of the Swaraj party in common courtesy ought to have offered some reply to the speech made by its leader on behalf of his party. I know that any views which he expressed in this behalf would not be binding unless they were adopted in the select committee, but I cannot help remarking that as a matter of ordinary courtesy my party is entitled to know the attitude of Government in regard to the point raised by me, because we supported the first reading subject to the remarks I have made. But as the Honourable the Finance Member has not thought it necessary to extend this courtesy to us, no Swarajists will accept a seat on this committee.

Mr. L. B. BHOPATKAR : I resign, Sir.

The Honourable Mr. H. S. LAWRENCE : Sir, I regret very much that my omission to speak in detail at this stage should have been taken in any bad part. I understood the honourable leader of the Swaraj party to mention certain matters that should be left to the select committee, which he himself proposed should be appointed. In the select committee there will be full opportunity to develop all the arguments for and against the various points taken up by the honourable member, the leader of the Swaraj party, and I thought it would be premature for

[Mr. H. S. Lawrence]

me to make any further comments at this stage on his views. There is ample opportunity in the second reading to explain to this House our position on this subject. I regret very much that the honourable member should withdraw any representative of his party from service on the select committee.

The Honourable the PRESIDENT : An assurance has been given in regard to Mr. A. N. Surve's amendment that no question of order will be raised on amendments of principle at the second reading. Therefore, the honourable member will have the benefit of consideration by the select committee and any amendments he may like to move will be decided by the House.

Mr. M. R. JAYAKAR : The honourable member, Mr. Bhopatkar, will serve on the select committee.

Bill referred to select committee. Question put that the bill be referred to a select committee consisting of the following members, to report by the 15th of September, seven to form quorum :

Mr. A. N. Surve,
Mr. V. A. Grantham,
Sir Vasant Rao Dabholkar,
Mr. Hoosenally M. Rahimtoola,
Mr. J. Addyman,
Moulvi Rafiuddin Ahmad,
Mr. J. Baptista,
Mr. G. B. Pradhan,
Mr. L. B. Bhopatkar,
The Honourable Mr. B. V. Jadhav,
The Honourable the Finance Member, and
The Finance Secretary, and carried.

The Honourable the PRESIDENT : The House will now adjourn till 2 o'clock to-morrow, Friday, the 31st July 1925.