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APPENDICES

TO THE

PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF BOMBAY ASSEMBLED ON THE 9TH AND 10TH MAY 1912.

APPENDIX A.

GREAT INDIAN PENINSULA RAILWAY COMPANY.

*Agent's Office,
Victoria Terminus,
Bombay, 12th March 1912.*

No. 186 S/6.

To

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department (Railway),
Bombay.

Sir,

With reference to your letter No. 549, dated 7th March 1912, forwarding copy of Question No. 20, put by the Honourable Mr. Raghunath Pandurang Karandikar at the Meeting of the Legislative Council to be held on the 13th March 1912, I have the honour to inform you that the accommodation at Shelapur for dealing with the export and import trade is admittedly deficient, but it is proposed to increase it as soon as possible. A plan has been prepared and approved and detailed estimates are now under preparation for remodelling the yard, and in conjunction with it, it is proposed to extend the goods platform to allow of more unloading space. As soon as the estimates are sanctioned by this Company's Board of Directors and Government the work will be taken in hand.

2. As regards the reported deficiency of labour, I have to inform you that it has always been the practice for the merchants' hamals or the cartman to put consignments on the scales for weighment, but sufficient staff has now been provided by the Company to do the loading and unloading, and should extra staff be required in times of pressure, it will be provided.

I have, etc.,
(Signed) FRANK CLARK,
Secretary.

Documents accompanying—Nil.

APPENDIX B.

THE MADRAS AND SOUTHERN MARATHA RAILWAY COMPANY, LIMITED.

Agent's Office,

Madras, N. E., 21st March 1912.

No. 223/235.
T.

To

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department,
Bombay.

Sir,

With reference to your letter No. 550-Ry., dated the 7th instant, I have the honour to inform you that a few goods rates are quoted from Nipáni Out-Agency which are lower than those quoted from Kolhápur for certain classes and descriptions of goods, and these Nipáni rates are charged to attract to the Railway traffic which would otherwise be conveyed by other routes, such as the sea-route to Bombay and the cart-route to Bijápur.

2. The conditions at Nipáni differ from those at Kolhápur, and we are therefore able to obtain our ordinary rates from the latter place. The Railway would not reduce their rates from Nipáni if the traffic could be obtained at the ordinary rates and the Kolhápur traders would gain nothing by the enhancement of the Nipáni rates.

3. I have been unable to discover any cases which would support the statement that, in consequence of such lower rates, merchants near Kolhápur are forced to send goods in bullock carts to Nipáni in order to consign them from the latter place.

I have, etc.,

(Signed) A. R. ANDERSON,
Agent.

Documents accompanying—Nil.

APPENDIX C.

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,
Bombay.

SIR, •

We, the undersigned Zamindars of Jamesabad taluka, beg to tender our thanks to the Government for their kindness in allowing the Musalman Education Cess Bill to be introduced in the Council. We now beg that the Government will kindly pass the said bill as soon as possible.

We beg to remain,

Sir,

Your most obedient servants,

صحیح عبدالواحد شاه	صحیح کرم علی خان	صحیح میر جان محمد خان
,, حاجی محمد خان	,, جان محمد خان	,, جم نور محمد خان
شاه محمد خان بہرگری	,, عمر قاضی	,, جینو خان

APPENDIX D.

To
THE SECRETARY TO THE LEGISLATIVE COUNCIL,
 Bombay.

SIR,

We, the undersigned Zemindars of Pithoro taluka, beg to tender our thanks to the Government for their kindness in allowing the Musalman Education Cess Bill to be introduced in the Council. We now beg that the Government will kindly pass the said bill as soon as possible.

We beg to remain,
 Sir,
 Your most obedient servants,

صحیح	خدا بخش خان بہرگری	محمد خان افغان	جیون خان
،	محمد عالم بیگ	حاجی محمد ہاشم	نشانی غلام حیدر خان
،	ترخان؟	حاجی فضل محمد بہرگری	حاجی شاہ محمد خان
،	نشانی پیدار خان؟	محمد خان بہرگری	غلام حسین خان

APPENDIX E.

To
THE SECRETARY TO THE LEGISLATIVE COUNCIL,
 Bombay.

SIR,

We, the following Zemindars of Tatta taluka, beg to lay the following few lines for the consideration of the Honourable Members of the Legislative Council.

The Council is no doubt aware that we the Zemindars in Sind are very backward in education and we have seen with satisfaction that our representative the Honourable Mr. Bhurgri has introduced the Musalman Education Cess Bill in the Council. It is hardly necessary for us to say that we are quite satisfied with the measure. We therefore beg that Council will be pleased to pass the said measure at the next Council Meeting.

We beg to remain,
 Sir,
 Your most obedient servants,
NAJAFALI SHAH,
 Zemindar, Tatta.

سید حسن شاہ زمیندار تھتہ
 فضل اللہ محمد محفوظ زمیندار تھتہ
 صابر علی حسنی زمیندار تعلقہ تھتہ
 صحیح شیر شاہ زمیندار

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

The Council met at Poona on Monday, the 8th July 1912, at 12 o'clock noon.

P R E S E N T :

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G.,
G.C.I.E., Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL, C.S.I.

The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Sardár LAKHAMGAUDA BASAVPRABHU, Sar Desái of Vántmuri.

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

The Honourable Mr. DUNCAN CARMICHAEL.

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

The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.

The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.

The Honourable Sardár PURUSHOTTAMDAS VIHARIDAS DESAI.

The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

The Honourable Sardár NARAYANRAO GOVIND *alias* BABA SAHEB GHORPADE, Jághir-
dár of Ichalkaranji.

The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Amod.

The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.

The Honourable Sardár SHAMBHUSING AMARSING JADHAVRAV, Ráje of Málegaon.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.

The Honourable Mr. G. P. MILLETT.

The Honourable Sardár Ráo Bahádur YASHAVANTRAO TRIMBAK MIRIKAR.

The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.

The Honourable Sardár COOPOOSWAMY VIZIARUNGUM MOODLIAR.

The Honourable Dr. TEMULJI BHIKAJI NARIMAN, L.M., F.R.M.S. (London).

The Honourable Mr. J. P. OER, C.S.I., I. C. S.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
 The Honourable Mr. F. G. PRAFF, I. C. S.
 The Honourable Mr. R. D. PRIOR.
 The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
 The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Mr. MARSHALL F. REID, C.I.E.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
 The Honourable Surgeon-General H. W. STEVENSON, C.S.I., I. M. S.
 The Honourable Mr. W. C. SYMES.
 The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
 The Honourable Mr. HARCHANDEAI VISHINDAS, LL.B.
 The Honourable Mr. C. H. WILSON, C.I.E.

NEW MEMBERS.

The Honourable Mr. M. R. JARDINE, the Honourable Mr. C. H. WILSON, the Honourable Mr. DUNCAN CARMICHAEL and the Honourable Mr. GEORGE CARMICHAEL made the prescribed oath of allegiance to His Majesty the King-Emperor and took their seats in the Council.

Observations by His Excellency the President in opening the meeting.

His Excellency the PRESIDENT said :—Before we proceed to our deliberations there is an important matter of public policy, which I wish to mention to this Council. Government have decided that the great Ashadi Fair at Pandharpur cannot be held this year. I need hardly assure Honourable Members that we are most reluctant to interfere with any festival of a religious character, more especially with one which is attended by so many thousands of the poorest of our fellow-subjects. For this reason we have waited to the last possible moment before coming to a decision in the hope that an abundant rainfall would wash away the germs of disease and improve the sanitary situation. We are, however, directly responsible for safeguarding public health whenever the circumstances are such that great assemblages cannot be held without incurring grave risks of spreading epidemic disease. Experience has plainly shown the dangers which arise from the dissemination of disease by pilgrims returning to their homes not only in our Presidency, but in the adjoining Central Provinces and Berár, and even in parts of Northern India. At the present moment we are face to face with cholera in a sporadic form which might very rapidly assume large dimensions, as we have seen in the case of Bombay City. In the districts of Sátára and Poona, which send large numbers of pilgrims to Pandharpur, there have been over 1,000 deaths from cholera in the last week, and our sanitary advisers have warned us that in these conditions the holding of the annual fair would be attended with most serious risks. I have already received telegrams from Poona protesting against the prohibition of the usual

palki procession; but I am informed that the villages through which the procession passes are almost all infected, that the water-supply is scarce and often tainted, and that the passage of thousands of pilgrims must tend to cause a dangerous outbreak. In these circumstances I am sure that this Council will unanimously agree that the decision of Government is absolutely necessary. We dare not ignore the risks to which I have referred and it is our plain duty to protect the lives of the people as far as lies in our power by taking a step which the painful experiences of past years render inevitable.

LIST OF QUESTIONS AND ANSWERS.

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

Questions.

Answers.

THE HONOURABLE MOULVIE
RAFIUDDIN AHMAD.

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

(a) Whether any District Officers in Gujarát and Káthiáwar have during famine relief operations, this year, handed over any Mohamedan orphans to Christian Missionaries ?

(b) If so, what is their total number and to whom are they entrusted ?

[*This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.*]

2. Will Government be pleased to instruct the Collectors of famine-stricken districts, who have Mohamedan orphans to dispose of, to inform the Honorary Secretary of the Bombay Presidency Moslem League, at Poona, before handing them over to any non-Moslem Missionaries or institutions ?

[*This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.*]

3. Will Government be pleased to say whether they consider it advisable to open an English class in connection with the Nasirábád (East Khándesh) Urdu school—the biggest school of its kind in the Central Division—on the basis of the existing one at the Urdu school at Násik.

[*This question was asked at the meeting held on the 13th March 1912, when an ad interim reply was given.*]

1. In none of the Gujarát districts have any Mahomedan orphans been handed over to Christian Missionaries during the present famine.

2. Instructions have been issued to the district officers.

3. The Honourable Member is referred to the memorandum laid on the Council Table.
See Appendix A.

Questions.

THE HONOURABLE MR. LALUBHAI
SAMALDAS MEHTA.

1. Will Government be pleased to lay on the Council Table a statement showing the total number of cattle, and the open area set apart for grazing in the various blocks in Godhra taluká?
[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

THE HONOURABLE MR. MANMOHANDAS
RAMJI.

1. Will the Government be pleased to state—
 - (1) the distance of Maháleshwar from Dharamtar?
 - (2) whether the road is in a fit condition for motor and other carriage traffic?
 - (3) whether they contemplate taking mails *via* that road if it is in a fit condition for motor and other carriage traffic?
 2. Will the Government be pleased to state—
 - (a) The number of commercial cases decided by the Bombay High Court during the last five years?
 - (b) The probable costs for each case as assessed by the Taxing Master for one party or both the parties as the case may be?
- [This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

THE HONOURABLE SARDAR RAO
BAHADUR MOTILAL CHUNILAL.

1. Will Government be pleased to state as to whether there is any hope of the Police obtaining the 25 years' rule for

Answers.

1. The total number of cattle in Government Khálsa villages See Appendix B. of the Godhra taluká according to the census of 1909 is 78,710. Two statements are attached showing A—the open area set apart for grazing in the various blocks of the taluká and B—the Kuran areas which are sold to the people of the taluká for cutting grass. In these kurans free grazing is allowed after March.

- (1) 91 miles.
 - (2) The portion of the road in the Kolába District is narrow and has many unbridged rivers which can be passed only at ebb tide in fair weather. Bridges must be provided before the road can be considered fit for motor and other carriage traffic. The part in the Sátára District is good.
 - (3) Answer is in the negative.
2. A statement furnishing the information, so far as it is available, is placed on the Council Table.
See Appendix C.

1. Government have no information on this subject.

Questions.

pension as recommended by the Police Commission? Whether it is a fact that Police officers in England serving in their own country are allowed to retire after 21 and 25 years' service?

2. Will Government be pleased to state as to whether they have issued any orders to employ the Deputy Superintendents of Police in charge of portions of districts like the Assistant Superintendents and to investigate serious crimes instead of doing office work; if so, how far these orders have been given effect?
3. Will Government be pleased to state whether they propose to move the Railway Board to introduce the intermediate class carriages in all the trains running on the systems under the administration of the B. B. & C. I. Railway for the convenience of those who are obliged to travel third class owing to the increased fare of the second class?

THE HONOURABLE RAO BAHADUR
SHRINIWAS KONHER RODDA.

1. Do Government intend to inquire into the necessity of a technical school at Hubli and to give one if needed?
2. (a) Are Government aware that many of the district towns, where there are high schools, are without any means of manual instruction though the subject is prescribed for the School Final Course?
- (b) Will Government be pleased to say whether they will consider the desirability of opening technical classes in the High School at Bijapur?
3. Will Government be pleased to say whether they are prepared to draw the attention of the several district local boards with a view to utilizing more money towards the sanitation of villages?

Answers.

2. Government have issued no such orders, but have issued general instructions that Deputy Superintendents should be given a large share in the work of superintendence of police duties and investigations, the precise work upon which they are more specially engaged being left to the discretion of the Superintendents whose Deputies they are.
3. The suggestion contained in the question shall be examined.

1. Inquiries are being made.
2. (a) Yes, but as stated in the reply given on the 9th May last to another Honourable Member the whole question of providing more extended facilities for manual instruction in Government training colleges and schools is now under consideration.
- (b) This will be considered in connection with the above inquiry.
3. The following expenditure was incurred during the last three years from local funds on sanitation, including water-supply :—

1908-09	Rs. 4,27,354
1909-10	„ 4,37,822
1910-11	„ 3,67,375

*Questions.**Answers.*

In 1886 Government in connection with the recommendations of the Army Sanitary Commission directed the Collectors and other district officers to use every endeavour to impress upon the local boards the extreme importance of adopting measures so far as lay within their power for improving the sanitary condition of the towns and villages within their local jurisdiction.

This year in reviewing the reports on the administration of the local boards Government drew the attention of these bodies to the fact that the improvement of the village water-supply was an important duty and a direct means of promoting sanitation and of securing the welfare of the rural population. Also in making the allotment of the recurrent grant of 7 lakhs from the Government of India to district local boards Government indicated village sanitation and water-supply as being, among others, suitable objects for its expenditure. Government have no reason to suppose that, having regard to their limited resources and the claims of other important objects of expenditure, the local boards are neglectful of their obligations in respect of village sanitation.

In these circumstances and in view of the stimulus already given they do not see any necessity to urge on these bodies the desirability of increasing their expenditure under this head.

4. Will Government be pleased to find ways and means to provincialize all Local Board Roads that pass through several districts and thus relieve the Local Boards to utilize the amount thus saved for better sanitary measures in their respective areas?

4. The condition required before Local Board Roads are provincialized is that they must serve more than one district. Applications for the provincialization of such roads are dealt with in accordance with the above principle as funds permit.

5. (a) Is Government aware that the Panvel water-work which has been constructed by the contribution of Government loan of Rs. 60,000 has been out of repairs and thereby serious damage has been caused to the head-work, the main and the reservoirs and that the supply of water is diminished?

5. (a) Government are informed that no serious damage has occurred to the head-works the main or the reservoirs.

Questions.

- (b) Will Government be pleased to see that the water-work is kept in proper repairs as it has been constructed at a large cost of Rs. 1,08,000 and that the people of Panvel get adequate supply of water?

[This question was asked at the meeting held on the 13th March 1912, when an ad interim reply was given.]

Answers.

- (b) The works were inspected in 1908 by the staff of the Sanitary Engineer and recommendations were made to the municipality with regard to the works required. Some of these works have been carried out but others have not been undertaken yet, the explanation given being want of funds. Of the works remaining all except one are minor works of small cost and the Collector is urging the municipality to complete them. The Sanitary Engineer is being asked to prepare an estimate for the one work referred to which should be executed preferably through the agency of the Public Works Department.

THE HONOURABLE MR. DATTATRAYA
VENKATESH BELVI.

1. (a) Will Government be pleased to state the principles on which the revised list of text books in English and French for use in Government and aided Secondary Schools published in the issue of the *Bombay Government Gazette* dated the 2nd May 1912, was drawn up?

- (b) Were the Head Masters of the Secondary Schools concerned consulted by Government before the list was drawn up?

2. Will Government be pleased to state the total number of alienated villages in the Bombay Presidency and also the number of alienated villages in which Survey settlement is in operation at present in conformity with the provisions of Section 216 of the Bombay Land Revenue Code?

1. (a) As regards text books in English the new list is based on the original list of 1901 subject to—

(i) the exclusion of all books which are no longer in use anywhere or which were not accepted as suitable for Anglo-Vernacular schools by any of the authorities consulted, and

(ii) the addition of all books sanctioned by Government down to 1911 which were considered suitable for retention. As regards text books in French the list is the result of a careful revision of the old list by Professors Peltier and Charlier, a number of books on reformed lines being included.

- (b) Yes.

2. The total number of alienated villages in the Presidency proper is 2,088. Survey settlements have been, or are about to be, introduced in 842 of these villages.

Questions.

Answers.

3. (a) Is it a fact that the contractor to whom the Government depôt of fire-wood at Kumtha has been farmed for the current year is allowed to charge much more for fire-wood than is warranted by the terms of his contract?
- (b) Will Government be graciously pleased to enquire whether this causes inconvenience to the people and to state the result of such inquiry?
- (c) Will Government be pleased to consider the advisability of abolishing the Government depôt in future and of issuing permits for bringing fire-wood into Kumtha for sale to all applicants for the same?
4. (a) Will Government be pleased to state the amount of money spent on education by the Town Municipality of Belgaum and the amount of the educational grant made by Government to the said Municipality during each of the ten years ending with the 31st March 1912?
- (b) Will Government be pleased to state whether they consider it desirable to pay to the said Municipality the balance, if any, that may be found due to it on this head for the erection of suitable school-houses of which it stands in great need?
5. Have Government come to any decision in the matter of the remuneration to village accountants for the preparation of the Record of Rights and the Mutation Register?
6. Will Government be pleased to consider the advisability of erecting a bridge across the Malaprabha river on the public road from Bagalkot to Ilkal as travellers are put to very serious inconvenience and as trade is considerably hampered during the rainy season for want of it?
7. (a) Has the attention of Government been called to the two letters published respectively in the issue of the "Satya-shodhaka" newspaper in its issue of the
3. The information has been called for.
4. (a) Inquiries are being made.
4. (b) Inquiries are being made.
5. The preparation of the original Record of Rights is now practically completed. In connection with the rewriting and maintenance of the Record Government have authorised the grant of rewards to accountants, whether hereditary or stipendiary, of villages where the work is heavy and where it is particularly well done.
6. Government are enquiring into the urgency of the need for providing the bridge. A more definite reply will be given on receipt of this information.
7. (a) There was no issue of the *Satya Shodhak* (a Sunday paper) dated 17th October 1911. The attention of Government has been drawn to the letter

Questions.

17th October 1911 and the "Dnyana-prakasha" newspaper in its issue of the 3rd June 1912 anent the liquor and the toddy shops within the limits of the village of Jaitapur in the Rájápur Táluka of the Ratnágiri District?

(b) Will Government be pleased to state the approximate population of the said village at present and the number of liquor and toddy shops in it in the years 1908-09, 1909-10, 1910-11, 1911-12 and 1912-13?

8. Will Government be pleased to direct that Municipal Councillors, Members of Local Boards, High Court Vakils and District Court Pleaders should be entered in the Table of relative Rank and Precedence published in Government Notification No. 7675-A, dated the 2nd December 1910, after fixing the numbers of their entries therein?

9. (a) Will Government be pleased to state the conditions on which a consolidated land and water tax is levied on agricultural land in the Dhárwár District?

(b) Is it a fact that sufficient water for irrigational purposes has not been

Answers.

which appeared in the issue of the Dnyanaprakash dated 3rd June 1912.

(b) The approximate population of the village of Jaitapur at present is 2,000. There was only one country spirit shop in the village during each of the years 1908-09, 1909-10, 1910-11 and 1911-12 and this has been continued for the present year. As regards toddy shops there was one in 1908-09 and two in 1909-10. There has been no shop since 1909-10 but in 1910-11 and 1911-12 there were 7 and 12 tree-foot booths respectively, while the number of these booths for the current year is 14. The total number of toddy trees tapped for these booths is 192.

8. Bombay Municipal Councillors are given rank at entry No. 2 of class 2 in the Table of Precedence and High Court Vakils at entry No. 9 of class 3.

It is not proposed to give relative rank to other Municipal Councillors, Members of Local Boards or District Court Pleaders.

9. (a) The survey assessment on irrigated lands in the Dhárwár District is fixed (a) on consideration (1) of the productive quality of the land and (2) of the water-supply available for its irrigation at the time of the settlement and (b) on the assumption that the water supply will be maintained at about the same standard throughout the period of the settlement. The rates for the use of the water and the land are consolidated, and the occupants are liable for payment on the same conditions as would apply if the dues were ordinary land-revenue. While the occupants are bound to execute the petty repairs which the works annually require, Government are responsible for maintaining in an efficient state the sources of the water-supply.

(b) The condition of the tanks in the Dhárwár District has received special

Questions.

supplied during several years past to many holders of land paying the consolidated tax owing to the silting up of many of the public tanks in that district?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

Answers.

attention for some years. The circumstances of each taluká are as follows :— At the revision settlement of the Hublí taluká in 1904 the decrease in the extent of lands irrigated by *pats* (water channels from tanks) was not large and part of it was due to *patasthal* being altered to *motasthal* irrigation. In cases where *pats* could not be restored to their previous condition by repairs to the tanks and the cessation of *patasthal* irrigation appeared to be permanent it was arranged that the water share of the assessment should be permanently abated. Such cases appear to have been very few. Similar orders were passed in 1909 and 1911 on the revision settlement reports of the Karajgi and Ránebennur talukás, but it was found necessary to reduce the assessment on three tanks only in the Kárajgi taluká and in one or two cases in Ránebennur. At the revision settlement of the Hangal and Kod talukás in 1909 it was found that the rayats generally got an adequate supply of water for the assessment paid. The tanks in the Bankápur and Kalghatgi talukás have been recently inspected and it was found that the condition of all those repaired by Government in recent years was satisfactory. The tanks which have not yet been repaired will be dealt with in due course. Revision settlements will shortly be introduced into these two talukás and, as in the other talukás recently resettled, the water share of the assessment will then be altered in accordance with existing conditions. In the taluká of Navalgund consolidated assessment is not levied at all and in the talukás of Gadag and Ron the extent of irrigated land is insignificant. In an exceptionally dry season like the last there is necessarily a shortage of water-supply. For remission of assessment in such cases of temporary failure of water, provision is made in the suspension and remission rules (Rule 7). In case of permanent insufficiency of water-supply a rayat can apply for reduction of assessment and it will be granted and all cases of permanent failure are periodically dealt with at the time of a revision settlement. It is reported that the people would generally refuse any offer

Questions.

Answers.

to convert *patasthal* lands into rice lands with the cessation of Government responsibility in the matter of maintenance. There has also been no relinquishment of lands paying consolidated rates. The answer to the Honourable Member's question is therefore in the negative.

THE HONOURABLE MR. HARCHANDRAI VISHINDAS.

1. Will Government be pleased to draw up and place on the table at their earliest convenience, figures of each Civil Head of Revenue and Expenditure for the Province of Sind alone, for the years 1910-11, 1911-12, and Budget Estimates for 1912-13 ?
2. Will Government be pleased to state whether the Sukkur Barrage and Rohri Canals project has emerged from the deliberative to the executive stage, and if so, when it will be put in execution ?

1. As it would entail very considerable trouble to distribute between Sind and the rest of the Presidency the figures given in the Civil Budget Estimates Government regret that they cannot furnish the information required.
2. The project was sent to the Government of India on the 5th October 1910 with a strong recommendation for the construction of the Rohri Canal and the Sukkur Barrage.

It is understood that the project has not yet been submitted to the Secretary of State and no date can at present be fixed for its commencement.

THE HONOURABLE SARDAR SYED ALI EL EDROOS.

1. In view of the increased Railway fares of First and Second Class and inconveniences resulting therefrom, will Government be pleased to consider the desirability of suggesting to the Railway Board, the introduction of an intermediate class on all trains on B. B. & C. I. Railway as has been done on G. I. P. Railway ?

1. The attention of the Honourable Member is invited to the reply to Question No. 3, put by the Honourable Sardár Ráo Bahádúr Motilal Chunilal.

2. (a) Will Government be pleased to say if it is true that the Jambusar Railway is to extend up to Kavi ?

2. (a) Government have decided that the question of extending the Broach-Jambusar Railway to Kavi should preferably wait until the effect of that Railway on the traffic of the tract between Jambusar and Kavi can be noted.

- (b) If not, will Government be pleased to say whether there is great inconvenience to the people during the monsoon; whether this inconvenience can be removed by the construction of a pakka road from Jambusar to Kavi and

- (b) The matter will be brought to the notice of the District Local Board.

Questions.

- whether the attention of the District Local Board has been drawn to this matter ?
3. Will Government be pleased to consider the advisability of constructing roads from Hansot to Sahol and from Jambusar to Kareli ?
 4. (a) Will Government be pleased to say what amount of takavi grant is assigned to Broach District, for the current year ?
(b) Are Government aware that the condition of the people and cattle is serious and will continue so far more than two months even after rain falls. Will they therefore be pleased to make liberal additions to the grant already sanctioned ?
 5. Are Government aware that the Pond at Kalouna in Amod Taluka in Broach District which was the chief feeder to the Kiari land round it has been transferred to the Irrigation Department and neglecting the pond by the Irrigation Department has dried the pond with the consequence that the paddy fields have failed to produce the important rice crop, notwithstanding the settlement of the Kiari land is fully imposed. Will Government be pleased to inquire into the matter and do them due justice by remittance ?
 6. Is it true that an order has been passed by the Educational Department to the effect that no Hindu boy should be admitted into the Urdu School in the village of Kavi in Jambusar Taluka, but that Mahomedan boys wishing to join the Gujarati School may be allowed to do so ? If so, will Government be pleased to state whether they propose to set aside or modify the order ?
 7. Do Government intend to convert the school at Kalouna in the Amod taluka of the Broach district into an Urdu School ?
 8. Do Government propose to open Urdu Girls' Schools in the villages of the districts of Broach, Kaira, Ahmedabad and Panch Mahals, where there are superior Urdu Boys' Schools ?

Answers.

3. Government will call for reports and consider the question.
4. (a) The amount assigned up to date is $3\frac{3}{4}$ lakhs.
(b) The question of making further grants will be considered if the allotment up to date proves insufficient. The grants for the past and current financial years now exceed $6\frac{1}{4}$ lakhs against an average annual grant of Rs. 70,000.
5. Inquiry is being made.
6. Inquiries are being made.
7. The suggestion will be considered.
8. The suggestion will be considered.

- | <i>Questions.</i> | <i>Answers.</i> |
|--|--|
| 9. Will Government be pleased to state what action is being taken to settle the revised course for Urdu Schools? | 9. Inquiries are being made. |
| 10. (a) Will Government be pleased to state whether they propose to open Urdu Schools in the following villages of the Surat District :—
Malekpur, Taluka Bardoli.
Karanj, Taluka Mandvi.
Harangam, Taluka Chikhali.
Barbodhan, Taluka Chorasi.
Abrama, Taluka Jalalpore. | 10. (a) The suggestion will be considered? |
| (b) Are Government aware that the people of these villages have hitherto applied to the authorities without any avail? | (b) Government have no information to that effect. |
| 11. (a) Are Government aware that in a large number of Urdu Schools in the Northern Division except the Head Munshi the rest of the teachers are non-Mahomedans unacquainted with the Urdu language? | } 11. Inquiries are being made. |
| (b) If so, do Government intend to take steps to increase the supply of Urdu-knowing Mahomedan teachers, so that no inconvenience may be felt in the absence of the Head Munshi? | |
| 12. Will Government be pleased to say—
(a) whether they are aware that the Musalmán gentleman who was once President of the Umreth municipality and was a candidate for election in the special ward at Umreth where Mahomedan voters preponderate has failed to get into that municipality? and
(b) whether they will consider the desirability of reserving the ward for Mahomedan candidates? | 12. (a) Yes.

(b) Government are not prepared to consider such a suggestion. |
| 13. Will Government be pleased to say—
(a) whether they are aware that the Mahudha municipality in the Kaira district with a population of 4,000 Mahomedans has no Mahomedan councillors on its board? and
(b) whether they will enquire why no Mahomedan was nominated? | 13. The Honourable Member is referred to the reply given by Government to his question No. 1 put at the meeting of the Legislative Council held on the 25th July 1911. |

Questions.

14. Will Government be pleased to say—
- (a) whether they are aware that the object with which the Broach municipal district was divided by Government in 1910 into 13 wards for electoral purposes, instead of into 7 wards as recommended by the municipality, has not been fulfilled, no Mahomedan candidate having been successful at the last election? and
- (b) whether they deem it desirable to direct that the existing arrangements should be reconsidered and the wards so constituted as to secure the due representation, by election, of all communities?

THE HONOURABLE SIR PHEROZE-SHAH M. MEHTA.

1. Will Government be pleased to consider the advisability of appointing a Committee of Sanitary Experts to enquire into the causes of the recent outbreak of Cholera in the City of Bombay?
2. Will Government be pleased to explain in what way the discrimination recently introduced between Rural Schools and full Primary Schools will operate to reduce the mass of illiteracy among the people? Is it proposed to increase in this way the number of primary schools throughout the Presidency? Has any definite programme been prepared for this purpose?

THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.

- 1 (a) Has the attention of Government been drawn to the complaints of the inhabitants of A'nand that the placing of their town under the jurisdiction of the 2nd Class Subordinate Judge of Borsad causes them much inconvenience and the inconvenience would be materially reduced by transferring it to the jurisdiction of the Nadiad or Umreth Court.

Answers.

14. (a) Government are aware that the existing electoral arrangements in the Broach municipal district have not worked satisfactorily.

(b) The question will be considered by Government.

1. Government have already appointed Captain T. H. Gloster, I. M. S., Member of the Plague Research Commission, to study the recent outbreak of Cholera in Bombay. It is not at present proposed to order any other enquiry.

2. It is hoped that the abbreviated and simplified course on strictly utilitarian lines now prescribed will make a wider appeal to the agricultural classes, while at the same time their rudimentary and consequently more inexpensive character will admit of the opening of new schools of the rural type on a larger scale. No programme has yet been prepared in this respect, but the new primary schools to be opened from the increased funds now available will for the most part be of the rural type.

1. (a) Government considered the suggestion in 1909 but were unable to give effect to it without increasing the work of the Nadiad or Umreth Court to an undesirable extent.

Questions.

- (b) Do Government propose to take any action in the matter?
2. Will Government be pleased to say—
- (a) Whether the debts due from Táluk-dárs of the districts of Ahmedabad, Kaira, Panch Maháls and Broach to Government have been remitted wholly or in part in accordance with the Durbár announcement of His Majesty? and
- (b) What is the amount so remitted in each case?
3. (a) Will Government be pleased to say whether in the Districts affected by the famine, the agriculturists showed considerable unwillingness to accept in Tagávi the grass brought from Government forests on the ground that it was unhealthy or uneatable?
- (b) Have Government made any enquiries on the complaints about the quality of grass brought from the Government jungles for being given to the cultivators as Tagávi?
4. (a) Are Government aware of the scarcity of potable water from which the town of Viramgam has been suffering for some years?
- (b) Will Government be pleased to say whether they propose to enquire if a reasonable scheme for the supply of drinking water for Viramgam can be made?
5. Will Government be pleased to say—
- (a) what was the number of cases of Steam Boiler explosions in Gujarát between the 1st of August 1909 and the 31st of December 1910?

Answers.

- (b) Government do not propose to re-consider the question until a scheme for the general re-arrangement of the civil work of the District comes up for decision.
2. The Honourable Member is referred to the answer given to Question No. 2 put by the Honourable Sardar Naharsinghji Ishwarsinghji, Thakor of Amod.
3. (a) It has been reported that in some cases agriculturists would not accept grass which was inferior in quality.
- (b) No enquiries were considered necessary. Fodder which is considered good for cattle in one district may prove unpalatable to the cattle of another district. In procuring from many sources very large quantities of fodder for cattle it is impossible to secure that all the fodder shall be of uniform quality and of the kind to which the cattle of various districts are accustomed. All that can be done is to provide the best available.
4. (a) Yes.
- (b) The preparation of a water-supply scheme for Viramgam has been deferred pending the result of an experimental deep boring which was being made there by the Bombay, Baroda and Central India Railway Company. The results of the boring are not yet fully known but are being enquired into.
5. The information has been called for.

*Questions.**Answers.*

- (b) what was the number of such explosions between the time that the inspections of Steam Boilers commenced in Gujarát and the end of July 1909?
- (c) whether the Steam Boiler at Ránder had been certified as fit only to work at a pressure lower than the original?
- (d) whether a subsequent certificate of higher pressure was given for that Boiler?
- (e) whether complaints were made against that certificate by the proprietors of other Boilers?
- (f) whether after these complaints the certificate for higher pressure was confirmed? and what officer confirmed it?
- (g) will Government be pleased to give the names of the Inspectors within the currency of whose certificates the different Boiler explosions took place?
6. Will Government be pleased to say—
- (1) what is the amount of the Excluded Local Fund in connection with the Inspections of Steam Boilers?
- (2) how much of the said Fund is invested and how much floating?
- (3) under whose control is that Fund?
- (4) what is the average annual amount of fees received for the Inspection of Boilers?
- (5) whether these fees are credited to the account of this Fund?

THE HONOURABLE SARDA'R PURSHO-TAMDAS VIHARIDAS DESAI.

- 1 Will Government be pleased to lay before the Council the information in the form of the sub-joined tables regarding Budget provision of the current year and actual of the preceding year for contingent charges of the different Taluka Local Boards and District Local Boards of Northern Division?—

6. The information will be found in the annual report on the administration of the Bombay Boiler Inspection Department for 1910-1911 appended to Government Resolution No. 6133, dated the 17th October 1911; a copy of which has been supplied to the Honourable Member.

1. The information has been called for.

*Questions.**Answers.*

TABLE A.

Contingent charges of

Táluka Local Boards.	Táluka Mamlatdárs* Kacheries.

TABLE B.

District Local Boards.	District Collectors' Offices.

2. Will Government be pleased to state whether any principles are decided or rules framed for regulating the holding of District and Divisional Darbárs and the conduct of business thereat; if not, will Government be pleased to frame rules for the said purpose?
3. Will Government be pleased to state the results of Darbárs held up to this time in the Northern District?
4. Will Government be pleased to state whether they intend to open technical, commercial or agricultural classes in the high schools with a view to prepare students for the new scientific institutions such as commercial, technical and agricultural colleges; if so, when and where?
5. Will Government be pleased to state whether they intend to build a new building for the Nadiád High School and if so, when?
6. Will Government be pleased to state what action is being taken in respect to the construction of the Dholka-Dhollera and Dhanduka Railway and the opening of Dhollera port?

2. A reference is invited to the reply given to question No. 4 put by the Honourable Ráo Bahádur Ganesh Vyankatesh Joshi at a meeting of the Legislative Council held on the 25th June 1910. Government do not propose to frame any rules.
3. Government have no information. A reference is invited to the reply given to question No. 1 put by the Honourable Mr. Siddhanath Dhonddev Garud at a meeting of the Legislative Council held on the 13th March 1911.
4. It is not intended to teach agriculture in high schools. The question of giving manual instruction in such schools is under consideration. As regards the teaching of commercial subjects the question will be considered in connection with the scheme for a College of Commerce.
5. The question of a new building for the Nadiád High School cannot be considered until the more pressing needs of secondary education have been provided for.
6. The proposed extension of the Ahmedabad-Dholka Railway to Dhollera via Gamph has recently been resurveyed by Messrs. Killick, Nixon & Company, and a revised project is

Questions.

7. In view of the present famine of fodder and water in the Kaira and Ahmedabad Districts, will the Government be pleased to consider the construction of Mahi and Sábarmati Canals?
8. Will Government be pleased to say whether in view of the decrease of population in the Kaira District as shown by the last census they will be generous enough to give special grants for sanitation to the Local Boards and Municipalities of the Kaira District and especially the Nadiád Municipality?

THE HONOURABLE SARDA'R. NAHAR-SINGHJI ISHWARSINGJI, THAKOR OF AMOD.

1. Will Government be pleased to lay the following information on the Council Table?—
- (a) Names of Tálukdárs of Gujarát who are indebted to Government, with the amounts of the loan or loans, and the year or years in which they were given.
- (b) The unpaid amount remaining due at the end of July 1911.

Answers.

- under preparation. There is no proposal at present before Government to extend Railway communication to Dhanduka.
- With regard to the suggested opening of Dhollera port, after a careful investigation of the subject Government have come to the conclusion that it is not possible to maintain any longer an accessible port at Dhollera (Whittle Bunder).
7. The Honourable Member is referred to the answer given to a similar question of his last year. Government do not propose at present to prepare projects for the Sábarmati or Mahi rivers in Gujarát.
8. Any specific applications for grants for the purpose referred to will be considered by Government on their merits, when received.

1. In the case of Tálukdárs whose estates are under Government management information regarding their indebtedness at the end of July 1911 will be found in the Annual Report of the Tálukdári Settlement Officer, the Reports on the Administration of Minors' Estates and the Report on the Administration of the Estates under the Management of the Courts of Wards for the year 1910-11. Copies of these reports have been supplied to the Honourable Member. Information regarding the amount and date of each loan cannot be collected without much difficulty, and Government do not consider that its publication would serve any useful purpose. In the case of Tálukdárs who manage their own estates Government consider it undesirable to make public the details of their indebtedness to Government.

Questions.

2. Will Government be pleased to say what concessions have been made to the Tálukdárs of Gujarát in the matter of the said loans on the occasion of Their Imperial Majesties' Coronation in pursuance to the announcement made by His Gracious Majesty at Delhi on 12th December 1911?

3. (a) Will Government be pleased to say what is the practice of dealing with the money to the credit of the Tálukdári estates under Government management in the Panch Maháls in Government treasuries?

(b) Is it true that large sums of money are treated as "personal deposit accounts" for long periods?

(c) If that is so, will the Government be pleased to say whether interest can be allowed on such deposits at reasonable rates?

4. Will Government be pleased to say whether the Tálukdárs of Panch Maháls whose estates are under management of Government Officers are allowed to correspond directly with Government in matters affecting their estates or management thereof?

Answers.

2. The announcement made at the Darbár at Delhi was to the effect that sundry debts, owing to the Government by the non-jurisdictional estates in Káthiáwár and Gujarát, would be cancelled and remitted in whole or in part under the orders of the Government of India. The debts referred to were debts due to the Imperial Government on account of moneys advanced in time of famine to the non-jurisdictional estates in the Political Agencies in Káthiáwár and Gujarát to enable them to provide famine relief and assistance in the shape of tagái for the inhabitants within their limits. The announcement did not refer to debts due by Tálukdárs in British districts where expenditure on famine relief is borne entirely by Government and rules exist for the remission of tagái when remission is necessary.

3. (a) Receipts on account of Tálukdári estates under Government management in the Panch Maháls are first credited to a personal deposit account. After the expenditure of the estates is defrayed including the allowances due to the Tálukdárs investments are made out of any surplus balance there may be.

(b) If the Honourable Member will cite specific instances where the balances in the personal deposit accounts appear to be needlessly large, enquiry will be made.

(c) Interest cannot be allowed on the balances of the estates in the Treasury. The fact that the balances are entered in a personal deposit account does not mean that they are locked up in any way. On the contrary the privilege of opening a personal deposit account is conceded in order that the balances may be readily available for the use of the estates or the co-sharers.

4. Government do not consider representations from any Tálukdárs whose estates are under management unless they have first submitted applications to the local authorities and the latter have not acceded to the requests made.

Questions.

5. Will Government be pleased to say whether in Tálukdári villages the whole or substantial amount of Local Fund cess levied from them is spent in improving water-supply of the villages?
6. Is there any objection to orders being given that in the case of Tálukdári lands, as in the case of lands to which Act VII of 1863 applies, Sanads be issued to holders of Inám and Devasthán lands?

THE HONOURABLE SARDA'R NARA-
YANRAO GOVIND ALIAS BABASA'HEB
GHORPADE, JA'GHIRDA'R OF ICHAL-
KARANJI.

1. Will Government be pleased to state whether it is a fact that the Collector of Sholápur insists on acquiring land required for a water course from the rayats of Kautali, an alienated village in the Pandharpur táluká of the Sholápur district, notwithstanding the fact that the owners of the land through which the water course runs are willing to keep the land required for the water course at the disposal of Government, so long as it may be necessary for the said water course?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

2. (a) Will Government be pleased to state whether they have come to any conclusion on the question of survey rates for Dumala villages which, as stated in reply to question No. 9 put by him in the Council meeting held on the 5th February 1909, was under their examination?
- (b) If any orders have been passed by Government will they be pleased to place a copy on the Council table?

Answers.

5. In 1889 Government pointed out that care should be taken to give Tálukdári villages their fair share of Local Fund collections in the form of works of local utility. From the annual reports of the Tálukdári Settlement Officer, copies of which are supplied to the Honourable Member, it will be seen that the Tálukdári Settlement Officer gives the matter close attention and makes representations to the Boards concerned when he deems it necessary.
6. Government do not consider that there is any necessity for renewing the issue of sanads which was stopped in 1879.

1. As the owners are willing to place the lands referred to at the disposal of Government so long as they may be required for a water course arrangements will be made for cancelling the acquisition proceedings.

2. The question is still under consideration.

Questions.

3. (a) Will Government be pleased to state whether it is a fact that some cash allowances in Dumala villages are ordered to be discontinued wholly while others are to be paid in part?
- (b) Will Government be pleased to publish for the information of the public, the people concerned and the Inámdárs, the general principles which are followed in deciding the question of the continuance of these cash allowances?

4. (a) Will Government be pleased to state whether the Inámdár of Vadner, a village in the Násik táluká of the Násik district has applied to have a revision survey introduced into his village?
- (b) Is it a fact that though the work of revision survey was completed so far back as 1903 the revised rates have not yet been introduced into the village and that their introduction has been delayed pending the introduction of revised rates in the Násik táluká?

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Answers.

3. (a) In effecting the settlement of cash allowances in Dumala villages some allowances are extinguished by payment of a lump sum while others are continued subject to a deduction.
- (b) The terms offered to the holders in consideration of their accepting a summary settlement are as follows:—
- (1) in the case of warshasan (personal) allowances, a final lump payment of ten times the amount of the allowance together with full arrears from 1st August 1897 up to the date of preparing the bills for payment or if the first person who held the allowance on 1st August 1897 is not alive at the date of settlement with full arrears from 1st August 1897 up to the date of his death;
- (2) in the case of devasthán allowances in respect to which no personal rights exist, a payment in perpetuity of half the allowance with full arrears from 1st August 1897 up to the date of preparing the bills for payment;
- (3) in the case of devasthán allowances in respect to which the pujáris or managers have a *bond fide* personal right, either a final lump payment of ten times the amount of the allowance or a payment in perpetuity of one-half of the amount of the allowance as the pujáris or managers may elect, accompanied in either case with payment of full arrears from 1st August 1897 up to the date of preparing the bills for payment.

The terms offered in each case are as a matter of course communicated to the holder concerned and no further publication of them is deemed necessary.

4. (a) Yes, in 1902.

- (b) Yes.

Questions.

- (c) When did the period for which the rates of the original survey in this village were guaranteed expire?
- (d) When did the guaranteed period of the original survey rates of the táluká expire?

5. (a) Will Government be pleased to state whether it is a fact that large sums of Devasthán allowance in alienated villages which were sent to the Válva táluká in accordance with Government Resolution No. 4168, dated 3rd June 1897, have remained unpaid?

(b) If so, will Government be pleased to state the amount remaining unpaid in the táluká and the reasons for non-payment?

(c) Taking into consideration the fact that the sums are due to Devasthán will Government be pleased to order that they be paid soon?

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

(a) whether the Inámdár of Shirgaon, a village in the Válva táluká of the Sátára district, has applied to have a revenue survey introduced into his village?

(b) whether he has also passed an agreement? and

(c) whether a survey has been introduced into his village?

(2) If the reply to (c) is in the negative will Government be pleased to state the reasons of delay?

7. (a) Will Government be pleased to state whether it is a fact that in the Tásgaon táluká in the Central Division orders have been issued that the practice of making adjustment in accounts in alienated villages be discontinued and that in future all sums due from and to sub-sharers be recovered and paid in cash?

Answers.

(c) The period expired in 1882-83.

(d) The last settlement of the táluká expired on 31st July 1904. A report on the revision settlement of the táluká submitted to Government in 1905 included proposals for the revision settlement of the inám village of Vadner but the proposals made did not obtain the sanction of Government. A fresh inquiry with a view to the introduction of a revised settlement will be undertaken shortly.

5. Government have no information. Enquiries are being made.

6. (1) (a) On the inámdár's application in 1911, the provisions of Chapters VIII and IX of the Land Revenue Code were ordered to be extended to the inám village in question.

(b) Yes.

(c) (2) Information has been called for.

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

Questions.

(b) Will Government be pleased to state the reasons which led to these orders being passed?

(c) Is it not a fact that the orders contained in Government Resolution No. 2689, dated 24th May 1880, were passed with the object of removing the difficulty experienced by sub-sharers in making cash payments to the holder of the alienated villages and then recovering their dues from him?

Supplementary Question.—The Government Resolution I refer to is given in Mr. Sathe's Land-Revenue Code. It is not a Government publication, but the Resolution, as given there, shows that the orders passed were general and not confined to a particular case. Am I to understand that the Resolution given there is incorrect?

THE HONOURABLE MR. SIDDHANATH
DHONDDEV GARUD.

1. (a) Is it true that information required in my question No. 5 (ii) put at a meeting of the Council held on the 21st November 1911 has been already collected in the Garud High School, Dhulia?

(b) If so, will Government be pleased to lay it on the Table and call for similar information from the Násik and the Sholápur High Schools?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

Supplementary Question.—Will Government be pleased to give the figures that have been already collected?

2. (a) Will Government be pleased to state whether any proposal was received by the Educational Department about the establishment of a swimming bath for the Dhulia Garud High School?

Answers.

(c) No. The orders referred to were passed with reference to the special circumstances of one individual case and were not to the effect that sums due from the sub-sharers should be adjusted by set-off against sums due to them.

The Honourable Sir Richard Lamb.—The answer to the question is that the effect of the Resolution is correctly given in the reply given to the Honourable Member, and if the version of the Resolution, which appears in Mr. Sathe's hand-book, is not in accordance with this reply, then the version is incorrect.

1. Yes, but its accuracy cannot be guaranteed as it was obtained casually for another purpose. Accurate figures could not be obtained without investigations of an inquisitorial character which Government prefer not to undertake.

The Honourable Mr. Hill.—The answer to that is that Government do not consider that there is any special advantage of publishing figures, the accuracy of which cannot be guaranteed.

2. (a) Yes. In 1882, as the result of a public meeting a sum of Rs. 573-4-0 was collected for the construction of a swimming bath for the Dhulia High School; but as this sum was quite insufficient for the purpose further progress with the project was postponed. In 1906 the proposal was again brought forward for the consideration of the Educational

Questions.

(b) Is it true that it was strongly supported by the local medical authority?

(c) Has it been considered, and, if so, with what result?

(d) Will Government be pleased to lay the papers in connection with the proposal on the Council Table?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

Supplementary Question.—Will Government be pleased to reconsider the proposal?

3. (a) Is it true that in the East Khândesh and Násik Districts rayats are allowed to take *anjan* leaves from forest areas for their cattle free of any charge?

(b) Is it true that in the West Khândesh District contractors are allowed to levy three annas per hundred pounds of *anjan* leaves collected by the rayats?

(c) Is there any reason why the rayats in West Khândesh should not be allowed the more favourable treatment that is permitted in East Khândesh and Násik?

4. Will Government be pleased to state whether they will consider the advisability of directing the investigating police officer and some magistrate to be present at *post mortem* examinations held by Hospital Assistants in important criminal cases?

5. Have Government considered the advisability of desiring the Inspector-General of Police to allow armed police watchmen to be supplied to private individuals in times of plague?

Answers.

Department. The subscriptions with interest amounted by then to Rs. 1,220 while the estimate for the construction of the bath was Rs. 7,109.

(b) The then Civil Surgeon of Dhulia expressed the opinion that a swimming bath for the use of the school-boys would be an excellent institution.

(c) and (d) The proposal was considered by the late Director of Public Instruction, Mr. Giles, who in view of the many urgent needs of other Government high schools did not think it advisable to ask Government to spend so large a sum of money on the provision of a swimming bath for a single school. Copy of his letter No. 10285, See Appendix D. dated the 1st February 1907, is appended.

The Honourable Mr. Hill.—That does not arise out of the question put. You should put it as a separate question.

3. Information will be called for.

4. Government are not aware of any reasons for the course proposed and consider that the rule suggested might be open to serious objection.

5. The number of armed police being limited it would not always be possible to give armed guards to private individuals, but in individual cases applications may be considered as they

Questions.

6. (a) Will Government be pleased to state the amount of expenditure already incurred for the Purmápáda Tank in the West Khándesh District ?
- (b) The amount required to complete the work ?
- (c) The extent of the damage on account of the non-completion of the work ?
7. (a) Will Government be pleased to state whether the Gondur and Wádi-Bhoker Irrigation Tanks are surveyed and the repairs required for them estimated ?
- (b) If so, will Government be pleased to state when the work of repairing them is likely to be undertaken ?
8. Will Government be pleased to state the amount of money available with the Public Works Department in each district of the Central Division for survey work in connection with Irrigation Projects ?
9. (a) Will Government be pleased to state the total amount of the gymnasium fee of two annas per mensem collected

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Answers.

arise. No general direction such as is suggested would either be desirable or possible.

6. (a), (b) and (c) The estimates for the completion of the Purmápáda Tank amounted to 6 lákhs of rupees. Most of the work would be the closing of the gap through which the river flows, and unless a very large volume of labour was available, the closure could not be successfully accomplished and the work if incomplete would be destroyed by the first floods. The work is thus not suitable for ordinary famine requirements, but the project is available for a great famine when labour is abundant.

The expenditure already incurred was on famine labour in the famine of 1900 and the figures can be ascertained if the Honourable Member still desires, but the return expected would not pay interest on the 6 lákhs required to complete the work by ordinary labour, and no loss but a saving results from leaving the work incomplete.

7. (a) and (b) Estimates for the improvement of these small Tanks are under preparation ; those sent in by the Executive Engineer were not suitable.

8. The great Hydrographical survey of the Deccan is now completed at a cost of over 11½ lákhs of rupees, and no further extensive surveys for investigation are required and two large projects have already been pressed upon the Government of India for approval. Other projects will be taken up as is found practicable.

The expenditure on the survey of a Famine Programme including many Tanks is practically completed at a cost of about 6 lákhs of rupees.

9. No gymnasium fee is charged in the high schools of the Central Division but a games fee is charged, the informa-

Questions.

in the high schools of the Central Division during the last year?

- (b) The total balance of that fee in the hands of those school authorities in the current year?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

10. (a) Is it true that there have been several petty thefts at Dhulia since the outbreak of the plague?

- (b) Will Government be pleased to state what additional precautions they intend to take to afford adequate police protection to the inhabitants who have camped out on account of plague?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

11. Will Government be pleased to state the amount expended upon physical education in (1) Primary, (2) Secondary and (3) Training Schools in the Central Division in 1909-1910?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

12. (a) Is it true that the scale of marks for approved educational service in "the marks system of promotions" adopted by the Educational Department is different in the case of graduates and non-graduates?

- (b) If so, will Government be pleased to state whether, in view of the fact that the qualification required for the marks

Answers.

tion regarding which is given in the following table:—

No.	Name of High School.	The total amount collected during 1911-1912.	The total balance in hand on 1st April 1912.
		Rs. a. p.	Rs. a. p.
1	High School, Poona*	174 8 0	308 1 0
2	Do. Sátára	† 201 2 0	62 6 1
3	Northcote High School, Sholápur.	525 0	135 0 0
4	High School, Násik	† 265 11 0	9 1 9
5	Gerud High School, Dhulia ...	677 7 6	498 11 0
6	Elphinstone High School, Bombay.	1,040 6 0	563 2 6

* At 1 anna in standards I-III; at 2 annas in standards IV-VII.
† At 1 anna per head.

10. (a) Yes. The number of thefts reported in Dhulia City in the huts occupied by plague-refugees was 36, and the value of property stolen amounted to Rs. 901-2-0.

- (b) As soon as the need for additional protective measures was apparent extra police patrols, mounted and foot, were organized. Thirty-one armed police were deputed for the purpose and 40 additional plague police were employed.

11. The subjoined statement gives the information required by the Honourable Member:—

Class of school.	Expenditure incurred on physical education in 1909-1910.
	Rs. a. p.
Primary schools ...	5,526 6 11
Secondary schools ...	3,440 7 7
Training schools ...	735 10 0

12. (a) Yes.

- (b) Government do not propose to interfere in this matter of departmental administration, which represents a

Questions.

! is the same in both cases, they propose to correct the difference?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

THE HONOURABLE MR. RAGHUNATH PANDURANG KARANDIKAR.

1. Is Government aware that the licensed country liquor shop in the Yádogopal peth of the Sátára City continues in opposition to the expressed desire of the people of the ward?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

2. (a) Are the Sanadi Gadkari watan lands in the Sátára district liable to forfeiture in consequence of alienation of part only of any survey number?

(b) If so, is there any minimum limit to the size of the part or parts the alienation of which incurs forfeiture of the whole survey number?

(c) How many lands have been so forfeited?

[This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]

Answers.

carefully thought-out attempt at representing in mathematical terms the deserts of Government employés. The scheme is moreover still in the experimental stage and is being carefully watched.

The country liquor shop situated in the Yádogopal peth was on the recommendation of the Local Excise Committee closed with effect from the 1st April 1909 and does not exist now. In September 1910, the non-official members of the Committee recommended that the Machi country liquor shop in the Sátára town which was situated on the main tunnel road at the upper end of the Yádogopal peth should be moved a short distance down the hill, as it was a standing temptation to the great number of labourers who enter and leave Sátára by the tunnel road. The shop was accordingly removed to another site about two furlongs lower down and not inside the Yádogopal peth. The transfer of the shop to the new site was effected after the Collector had ascertained that there was no objection to it. A few weeks after the removal of the shop, the Collector received a petition of objections. It, however, appears that only two of the objectors reside within 150 yards of the shop, which is located in a sparsely inhabited part of the town.

2. (a) Yes.

(b) No.

(c) In consequence of alienation about 2,000 acres of gadkari inám lands have been resumed upto now. This area is found by rough calculation with reference to orders passed since May 1911.

Questions.

3. Contribution to District Local Boards from Excise Revenue.

Page 36, Budget.

- (a) Under "Contribution to Local Boards in lieu of one anna cess on Excise Revenue" appears all through the years 1910 to 1913 the sum of about Rs. 1,55,000. Will Government be graciously pleased to state how this amount is fixed and whether permanently or for a certain term of years?
- (b) Does not the enormous increase in the Excise revenue justify an increase in the contribution to Local Boards?
4. (1) Will the Government be graciously pleased to say if the liquor shop licenses extinguished in the town and island of Bombay on the 31st March 1911 were the same as recommended by the local Advisory Committee for each Ward which met under the chairmanship of the then Collector Mr. Hatch in September 1910?
- (2) If they were not, what were the causes that led to the change and were the Advisory Committee consulted in the matter?
5. (a) Is it a fact that the hours for the sale of spirits at certain retail foreign liquor shops doing business in Bombay under the name of Refreshment Rooms, have recently been extended?
- (b) If they have been, will the Government be graciously pleased to say why it has been done and whether the Advisory Committee were consulted in the matter?
6. (a) Will the Government be graciously pleased to say, if the Parisian Bar for the retail sale of foreign liquor on Foras Road in Bombay has recently

Answers.

3. The Honourable Member is referred to paragraph 1 of the reply to question No. 14 put by the Honourable Mr. Hari Sitaram Dikshit at the Council Meeting held in June 1909. As the amount of the contribution has been fixed permanently, the question of increasing or decreasing it in proportion to the Excise revenue does not arise.
4. The Advisory Committee which met in September 1910 simply fixed a maximum and minimum scale for shops in each Ward but made no recommendations as to the abolition of specific shops. In those Wards in which there was an excess over the maximum so fixed the Collector selected certain foreign and country liquor shops the retention of which was not desirable and these were closed from 1st April 1911. The selection of shops for abolition rested with the Collector, so it was not necessary for him to consult the Advisory Committee again.
5. (a) No. The Collector has been authorised to allow chemists' and grocers' shops and refreshment rooms where a joint bakery and confectionery business is carried on to be opened before 9-30 a. m., or to be kept open after 9-30 p. m., for the sale of articles other than liquor, provided he is satisfied that the measure is necessary for the convenience of the public and that the Excise staff can prevent the sale of liquor at unauthorised hours.
- (b) The Advisory Committee were not consulted as no change was made with regard to the sale of liquor.
6. Yes. The Bar was converted into a refreshment room and given extended hours (11-30 p.m.) on payment of a late closing fee at the urgent request of

Questions.

been permitted to be converted into a refreshment room, thus extending hours of sale of spirits at the shop?

(b) If the Bar has been permitted to be converted into a refreshment room, what are the causes that have led to the granting of this permission, and was the Advisory Committee for the Ward consulted in the matter, and if it was not consulted, why not?

7. (a) With reference to the conversion of the Parisian Bar from an ordinary liquor shop into a refreshment room, will the Government be graciously pleased to state whether a foreign liquor shop doing business as a refreshment room in Cursetji Suklaji Street within a very short distance of the Parisian Bar was ordered to be closed from 1st April 1911?

(b) What are the changes in the circumstances of locality that have been deemed of sufficient importance to necessitate this alteration in the class of the license?

8. (a) Will Government be graciously pleased to state the number of country liquor licenses for the sale of weaker spirits like *Feni and Rasi* that have been converted since April 1911 into licenses for the sale of country liquor of all kinds, including strong spirits 25° U. P.?

(b) What are the causes that have led to this change and were the Advisory Committee consulted in the matter? If not, why?

9. Will Government be pleased to say whether they think it desirable that the proceedings of Local Advisory Committee be conducted in public and published not later than a fortnight afterwards for general information?

Answers.

several local European, Eurasian and Parsee residents. The members of the Advisory Committee were consulted and unanimously gave their opinion in favour of the conversion.

7. Yes. The Edinburgh Bar in Cursetji Suklaji Street was closed from the 1st April 1911. The license was cancelled because it was not a *bond fide* refreshment room, but merely a liquor shop patronized by the very worst characters. The building in which it was situated was dirty and insanitary. The Police Commissioner reported that it was a very great nuisance in the locality and recommended the cancellation of the license. This was accordingly done when the license expired.

The Parisian Bar is in Foras Road and not in Suklaji Street. The locality around Foras and Bellasis Roads is fast becoming a residential quarter owing to the erection of new buildings. The local residents demanded a refreshment room where they could obtain food and drink when they returned home late at night from their work. As their request was found on enquiry to be genuine and as it was supported by the Advisory Committee it was granted.

8. No changes of the nature indicated have been made.

9. Government do not think it desirable that the proceedings of the Committee be conducted in public, firstly because the Committee are advisory bodies only and, secondly, because the members should have perfect freedom in giving their advice.

Questions.

10. Will Government be graciously pleased to state if it is a fact that a license for the sale of country spirits at Matarpakhadi in Bombay was cancelled and the shop closed in April 1912?
- (a) Is it also a fact that another country liquor shop at Worli was permitted to be transferred to the site of the shop, the license of which was cancelled within about three weeks of the cancellation?
- (b) What were the causes that led to the opening on the old site of a new shop, even though the transfer was within such a short time, and was the Advisory Committee consulted in the matter?

The Vita Municipality.

11. Has Government received any application for restoring the Vita Municipality to its former position?
- Will Government be graciously pleased to reconsider its orders passed in respect of the Vita Municipality?

12. (a) Have any special orders been passed in 1910 or 1911 by the Director of Public Instruction affecting the status, promotion or maximum salaries of special Sanskrit teachers or Shastris employed in the Educational Department?
- (b) How do the Shastris fare as compared with the Persian teachers in the matter of promotion and highest pay?

Forest.

13. Has any provision by rule been made to meet the requirements of fuel wanted by the villagers of a village as a whole to celebrate festivities for bon-fires or for cooking food for distribution to all those that come to ask for it on the occasion of such public festivals,

Answers.

10. A second class Uran license was cancelled in Valpakady, not Matharpakady.
- (a) Yes. The shop was re-opened at once.
- (b) The license of Ramji Baloo Borker, licensee of the old shop at Valpakady, was cancelled owing to a breach of one of the conditions of his license. As there was a demand for a liquor shop at or near this place another licensee, whose shop at Worli was closed, was allowed to take over this shop at Valpakady. The Advisory Committee was not consulted as practically the same shop was allowed to continue on the same site under a different licensee.

11. No.

In the absence of any evidence of a general desire for the restoration of the elective system Government are not prepared to move in the matter, but any representation on the subject which may be received by Government will receive their careful consideration.

12. Inquiries are being made.

13. No.

Questions.

14. Has Government been pleased to notice the case of *Imp. v. Kassim Isub Sab* published at page 365 of 14 Bombay Law Reporter in which the accused contractor quarried stones in a place pointed out by officers of the Public Works Department but was convicted at the instance of the Forest Department, the conviction being reversed by the High Court?

Will Government be pleased to ensure co-operation among the Departments so as to avoid similar occurrences?

Village Police—Rewards and Remuneration.

15. (a) What is the total money value of the rewards awarded to members of the Village Police in the years 1909, 1910, 1911 and 1912 respectively in the Northern, the Central and the Southern Divisions?

(b) Are the Kulkarnis allowed any special remuneration for the Police work expected of them?

Budget.

Detailed account No. 20 D.

Police—Village Police.

16. (a) Is there any reason why steps should not be taken to fill in the column headed "numbers" from the next year in respect of the items mentioned in the same statement and of the description thereof?

(b) Would there be any objection to add a column to the Appendix at page 234 for Village Police who are not Pagis or trackers?

17. What is the total expenditure incurred in connection with the compound walls, protection walls, buildings, offices, prisoners' rooms or cells up to the date of the abolition of the Sub-Jail at Sátára?

What is the contemplated use of the several buildings?

Answers.

14. The case has come under the notice of Government and such orders as were considered necessary have already been issued.

15. (a) The information will be called for.

(b) No part of the Kulkarnis' remuneration is specially earmarked as being on account of any duties in connection with police work which they are required to perform.

16. Steps will be taken to furnish the details desired by the Honourable Member.

17. It will be almost impossible to answer this part of the question with any accuracy, and in any case it will involve a vast amount of search in the Public Works Department records, which does not seem in any way proportionate to the value of the information likely to be obtained.

For the present the Mámlatdár of Sátára has been allowed to use the buildings but no decision has been made as to the use to which they are ultimately to be put.

Questions.

18. (a) What is the estimated amount within which the Police office now under construction in Sátára is to be completed?
- (b) What portion of the amount has been spent up till now and what proportion of the contemplated work has been executed?

Máhuli-Krishna Bridge.

19. Has any loss been occasioned since November last owing to floods? If so, to what extent? When does the Department hope to complete the work?
20. Will Government be pleased to give to authors of books or works which are not found wholly objectionable but which contain objectionable words or passages, the option, wherever justifiable, of deleting such words or passages before orders for proscription are passed?
21. Will Government be pleased to say what is the procedure adopted in declaring any book or work proscribed?

Answers.

18. (a) The estimated amount is Rs. 55,800.
- (b) About four-fifths.
19. No damage to the work has occurred since November last. Damage amounting to Rs. 300 was caused to some plant. The bridge will probably be completed before the end of March 1914.
20. Authors write books with objectionable passages at their own risk and Government do not see any reason to modify the procedure now in force.
21. The procedure adopted is that laid down by Act I of 1910.

**BUDGET OF THE GOVERNMENT OF BOMBAY
FOR THE YEAR 1912-13.**

The Honourable Sir RICHARD LAMB, in introducing the Budget, said:—Your Excellency,—Under rule No. 29, sub-rule (1) of the Financial Rules I have the honour to present the Budget for 1912-13.

* See Appendix E.

The printed copy* which has been supplied to members under sub-rule (2) of rule 29 describes the changes which have been made in the figures of the revised financial statement. There are no resolutions passed in Council which have not been accepted. The general discussion of the Budget will in accordance with Your Excellency's ruling under rule 30 (1) now take place, and every Honourable Member has under rule 30 (2) the opportunity of making any observations on the Budget which he may desire to place before the Council. I venture to express the hope that Honourable Members will bear in mind the provisions of rule 30 (2) and will limit their remarks to observations on the Budget. No resolution may now be moved in regard to the Budget for the current financial year: but there is nothing in the Resolution Rules which prevents a resolution being moved at the monsoon meeting of the Council on the subject of the provisions to be made in future Budgets. Indeed, it would be more convenient if resolutions relating to the Provincial revenue and expenditure were moved at this season of the year, before

the Budget for the following year is taken in hand in October, than if they were postponed until the revised financial statement for that year is presented to the Council in March. In March the proposals for the financial arrangements of the coming year have reached a very advanced stage and it is exceedingly difficult to accept at that stage any recommendations which are not very restricted in their scope. By the middle of March the financial statement prepared by Government has been already twice laid before the Government of India, in addition to being considered by the Finance Committee, and no alterations except in respect to the smaller specific provisions can be made in it without causing a great deal of inconvenience and trouble before the financial statement is for the third and last time placed before the Government of India for final orders. Any resolution relating to Provincial finance which was presented at the monsoon meeting of the Council could, if accepted, be considered by Your Excellency's Government before the first draft of the financial statement for the coming year was sent to the Government of India.

Since the Budget now under consideration was approved by the Government of India, the Finance Department of that Government has issued a resolution summing up the orders which have been passed regarding the financial relations of the Imperial with the Provincial Governments. The resolution has been published and Honourable Members will be able to gather from the resolution the extent to which the views of Your Excellency's Government have been accepted by the Government of India and the Secretary of State. I may invite the attention of Honourable Members to the ready acceptance by the Government of India of the principle that special assignments from Imperial revenues should be given with due regard to the wishes of the Provincial authorities. In formulating its wishes for communication to the Government of India regarding the destination of any special assignment from Imperial revenues, Your Excellency's Government would certainly give careful consideration to any opinion expressed by this Council in the form of a resolution passed in Council.

The Government of India impress on local Governments the need for keeping the growth of Provincial expenditure at a ratio which shall in no circumstances be greater than the growth of Provincial revenues. The new permanent Provincial Settlement was introduced in March 1911, and there are therefore as yet no actuals available for any year since the introduction of this settlement; we are able to examine only the Budgets for 1911-12 and 1912-13. In 1911-12 the estimated ordinary Provincial revenue Rs. 6,56,43 exceeded the estimated recurring Provincial expenditure Rs. 6,23,81 by Rs. 35,62; for the current year the figures are—revenue Rs. 6,71,12; expenditure Rs. 6,37,29; excess of revenue over expenditure Rs. 33,83. The revenue estimate has increased by Rs. 14,69 or 2.24 per cent.; the estimate of recurring expenditure by Rs. 16,49 or a little over 2.6 per cent. For the current year, therefore, there is on the estimates a very slight excess of .36 per cent. in the ratio of growth of Provincial recurring expenditure over the ratio of growth of ordinary Provincial revenue. This excess is negligible in view of the facts—first, that ordinary Provincial revenue is in excess of Provincial recurring expenditure by the handsome figure of nearly 34 lakhs; and, second, that the average annual increase in Provincial revenues is 15 lakhs. I submit, Your Excellency, that on these facts, taken with the provision of a closing balance which is more than three times the prescribed minimum, we may safely say that we have incurred and are incurring a recurring expenditure which is well within our means.

It is usual for the Finance Member when presenting the Budget to make some remarks regarding the prospects of the year as affected by the monsoon. I think, Your Excellency, that it is too early in the season for me to make with advantage any forecast of the character of the coming agricultural year. In some parts we are doing very well; in others, where the start is not so favourable, there is yet time to make good, in respect to crops for the use of man. In regard to these there is at present no reason for being down-hearted; but I fear that in considerable areas the prospects of the grass crop for the use of cattle are below normal. I should like, however, to refer briefly to the past season. If it were true that the ordinary rayat is unable to stand up against a single bad season, and on a failure of crops at once comes on famine relief, we should have had large famine relief operations on our hands. Fortunately, however, the view of the rayat's resisting power, which I have mentioned, is void of foundation in fact. The crop failure in the past season was so extensive that we had to be prepared for famine relief over a large area. But the resisting power of the ordinary rayat is such that in no district, except one, was it necessary to declare famine: and that one district is not, for the most part, peopled by ordinary rayats. The population of the Panch Máhals consists largely of forest and unsettled tribes, who are commonly lumped under the general name of Bhils; and to them, who, unlike the ordinary rayat, really do live from hand to mouth, one crop failure means destitution. Regular famine relief was therefore necessary in this one district and such terrible suffering and loss of life as fell on its population in 1900 have been happily averted. In other districts and the States of North Gujarát and Káthiáwár, and to a less extent elsewhere also, the great problem has been to save the lives of cattle. It is too early yet to estimate the extent of the success of the efforts which have been made both by Government and their officers and by the managers of charitable funds to provide fodder and by the Railways to convey it to the distressed areas. But I should like to take this opportunity to express my thanks to the Agents of the two Railway Companies for the ready courtesy with which they have constantly endeavoured in difficult circumstances to meet the demands made on them for transport, and to the public-spirited non-official gentlemen and the officers of Government who have given great labour and much time and trouble to the saving of cattle.

The Honourable Mr. FAZULBHOY CURBIMBHOY EBRAHIM said:—Your Excellency,—The triennial period of office of the reconstituted and enlarged Council under the Reforms Act with which the names of Lord Minto and Lord Morley will ever be honourably associated and which inaugurated a new era in the legislative history of this country, is fast drawing to a close and this is the last Budget meeting of the first enlarged Council. We note with regret that is also the last Budget meeting over which Your Excellency will preside. During its current period of office, several important Bills have been considered and passed which should be conducive to the progress and prosperity of the Presidency. On the memorable occasion of the inauguration of the enlarged Council, Your Excellency indicated several important Bills which were likely to be introduced in this Council, and Your Excellency was pleased to mention that a Bill for the creation of Village Panchayats with certain powers of local self-Government, as a tentative measure, was being prepared in response to frequent demands for the establishment of such bodies. In this Presidency we have the reputation of moving faster on the lines of useful reforms than in other parts of the country, but it seems that things do not move so rapidly here in regard to the matter of

the Village Panchayat Bill. The Punjab Legislative Council has already given effect to a policy which the Decentralisation Commission had strongly recommended by passing the Village Panchayat Bill. The introduction of such a measure in this Presidency will no doubt be conducive to the development of the public spirit in most of the villages and the experiment, when tried, will be watched with the keenest interest. A statement as to how far the consideration of this question has progressed and what are the prospects of its immediate introduction in this Council will be received with interest.

By putting direct questions in this Council and by making pointed references in my speeches, I have tried to bring before this Council the irritation and dissatisfaction caused by the vexatious Customs line at Viramgám. May I once more and finally appeal to Your Excellency with all the earnestness that I can command to throw your powerful voice on the side of the public and see to the removal of this impost before you lay down the administrative reigns of this Presidency.

Last year in reply to my interpellation Government were pleased to state that the proposed Sind-Bombay alignment was postponed by the orders of the Secretary of State for India. Apart from its strategic importance, the line would materially develop the trade and commerce, and the public of this Presidency entertain a hope that Your Excellency, who has done so much to promote the interest of commerce and industry in this Presidency, will place them under a deep debt of gratitude by making a powerful and effective representation to the higher authorities on the subject.

As to the financial statement, which is presented in a lucid and illuminating manner by Sir RICHARD LAMB, there is on the one hand a disturbance in the finances caused by the unfavourable character of the last season, which necessitated a considerable expenditure on famine relief and a substantial remission and suspension of revenue. But on the other hand, we have large additional grants from the Imperial Government swelling our receipts. This has enabled Government to provide for a large addition to the recurring expenditure on education, and for a variety of special allotments to sanitary and kindred works. That the Provincial balance would be reduced by only 5.72 lakhs after meeting all the demands for the current year in a wise but not cheeseparing economy indicates a sound financial position on which the Financial Member deserves our cordial congratulations.

During the last five years great and rapid strides have been made in the progress of education in this Presidency. The Science Institute in Bombay marks an important epoch in the educational history of the Presidency, the establishment of the Commercial College will furnish a coping stone to the great educational edifice which Your Excellency is building up as a part of the well-thought out and comprehensive programme, with which Your Excellency set out and it is not unreasonable to hope that the important scheme for the development of the Victoria Jubilee Technical Institute and its conversion into a Central Technological Institute for the whole Presidency, to which the various technical schools and institutions will be affiliated, will be realised before the expiry of the period of Your Excellency's term of office. No doubt the scheme involves heavy expenditure both recurring and non-recurring, but as the Honourable Mr. CHAUBAL has pointed out the provision of funds by the Government of India should enable Your Excellency's Government to deal with it in a liberal spirit.

Apart from the grants amounting to 8½ lakhs of rupees in connection with the Technical College, the Bombay University, the construction of hostels, and schools for Europeans and Eurasians, the expenditure on education has increased by over 25½ lakhs of rupees. This is a circumstance of happy augury for the future educational progress of the Presidency. I, however, note with regret that while there has been a persistent and clamant cry for a larger expenditure on education, not a voice is raised for demanding an adequate provision for the education of girls in this Presidency. It is superfluous to dilate on the advantages of girls' education especially in this Council. Out of the grant announced at the Coronation Durbar and allotted to the Bombay Presidency I find that a provision of Rs. 75,000 is made on education (mainly elementary) for girls. I think that provision to be wholly inadequate. Again, when the physical training of boys is receiving attention, and gymnasiums and play-grounds are provided in connection with boys' High Schools, we find no provision made in this direction in regard to girls' schools. There are girls' schools in Bombay conducted by private enterprise with Government grants-in-aid and though these Institutions are doing a great and useful public service in educating the girls, they are greatly hampered by want of play-grounds for recreation.

There are no Government High Schools for girls in this Presidency, and in their absence, the least that Government can do, would be to provide means of physical training in such of the aided girls' schools as are found to be without the provision. Government should do all it can to popularise and make attractive the schools for girls as well, by providing play-grounds for their recreation suited to their environment. If the school education of girls is comparatively neglected by Government, their college education is in a still worse plight. It is more than a year ago that Principal Covernton in his report on the working of the Elphinstone College, urged that the time had come to found a separate College for lady students. These students are steadily increasing in number, and although they are admitted to the lectures at more than one College, they derive little benefit from College life except what they can carry away in their note books. So if a ladies' College were founded it would, I say without hesitation, be filled to overflowing almost immediately. If the civilising influence of culture amongst the women of India is to receive any encouragement from Government, it must not wait until some public spirited man comes forward with a few lakhs of rupees to pay for the bricks and mortar of the long-needed College. If Government can set the example of giving greater facilities for education to the women of India I do not imagine that the public will see any reason for abstaining from helping on that movement: it is waiting only for lead.

While speaking on the ever absorbing topic of education, I may say that Government were pleased to say in reply to my question that they were of opinion that there is room for making manual training more popular and that they were enquiring into the possibility of providing more extended facilities for such instruction at Government training Colleges and Schools. Government were pleased to state that the manual training class at Belgaum, the workshop at Dharwar and the carpentry class in Hyderabad training college were doing good to scholars. I have always held that in view of the many advantages of manual instruction and its suitability to many backward scholars, who can make better progress, in manual than in mental learning, there is a great scope for opening experimental classes for manual instruction and its ultimate

introduction on a wider scale in preference to certain portions of the present curricula, with a view to inculcate in pupils a love for manual work and respect for the dignity of labour. In England, on the continent and in America the question has received great attention. After the statement made by Government at the last meeting of the Council, that the matter is under the favourable consideration of Government, there is no argument required in support of my plea for the extension of the facilities for manual training in this Presidency. I hope early provision will be made in regard to this admittedly useful head.

The grants sanctioned by the Government of India for educational purposes from the Imperial revenues, after the Budget for 1912-13 had been passed by that Government deserve more than a passing reference. A recurring grant of Rs. 45,000 per annum, and a non-recurring grant of three lakhs of rupees to the Bombay University for the development of University work claim special attention as the object of the grants is to enable the University to take a definite step forward towards the realisation of the idea of a teaching University for higher work. As Mr. BALFOUR said not very long ago, Universities should make the country to which they belong "feel itself one with the great community of nations all uniting to defend knowledge, to preserve culture, and to pursue art and science in all the illimitable domains that the human spirit desires to conquer." I think this should be the ideal at which the Bombay University should aim. While the provision of training directed to the fulfilment of the industrial commercial and economic needs of India, have received special attention at Your Excellency's hands, the agricultural school at Poona has already been showing successful results. Not even the most carping critics of Government will deny that the Agricultural Department has been doing very useful work. I welcome the provision made in the Budget for the opening of Agricultural Schools in the Southern Maratha Country and in Sind and I hope that a similar School will be opened in Gujarat at no distant date.

Before resuming my seat, I will make a passing reference to the resolution which the Government of India has recently issued. It does not make any material alteration in the policy governing the financial relations of the Imperial with the Provincial Governments. The resolution will occasion disappointment but not surprise to the advocates of a larger measure of decentralisation in financial matters. The Royal Commission on Decentralisation recognised that the denial to Local Governments of the power of taxation would not be regarded as a permanent feature of the fiscal position of Local Governments; and the extension of the activities and functions of the Provincial Legislatures will accentuate the natural demand by Provincial Governments for the exercise of some such powers. As pointed out in the "Times of India" the Provincial Governments are denied "the most important attribute of Government in that they are not allowed to adjust their expenditure to the tax bearing capacity of the community they govern."

I hope the Bombay Government will continue vigorously to press their suit in regard to the powers of taxation and independent borrowing powers until the goal is obtained. If this continued pressure is not exercised the future must suffer. For how are the schemes contemplated by the Bombay Government—such as the Back Bay scheme—to be financed? Surely not from the Imperial Capital funds which are already insufficient to meet the many calls on them.

The Honourable Sardár LAKHAMGAUDA BASAVPRABHU, Sar Desai of Vantmuri, said—
Your Excellency,—We are greatly indebted to the Finance Member for the most satis-

factory Budget that has been presented to the Council. There is a good surplus balance in the Budget after ample provision for famine relief and other urgent works. The present season seems to be an anxious one. I hope there will be good rain in time during this year and that it will save us from the much feared calamity. I beg to state that there is a general regret that Your Excellency will leave this Presidency in a few months' time. Your Excellency has rendered very valuable service to the people of this country. We are deeply grateful to you for your sympathetic attitude. You have been a friend of the people and have promoted their welfare.

The Honourable Mr. HARBHANDRAI VISHINDAS said:—May it please Your Excellency, I propose to offer a few observations on the budget only in connection with the Province of Sind and for that reason my observations must necessarily be brief. At to-day's meeting I put a question:—“Will Government be pleased to draw up and place on the table at their earliest convenience, figures of each Civil Head of Revenue and Expenditure for the Province of Sind alone for the years 1910-11, 1911-12 and Budget Estimates for 1912-13?”

The answer of Government was:—“As it would entail very considerable trouble to distribute between Sind and the rest of the Presidency the figures given in the Civil Budget Estimates Government regret that they cannot furnish the information required.”

Realising the truth of the reply made by Government on the score of great loss of time that would be involved in the preparation of these figures, I may say, that the inconvenience was recognised by me when I used the words in my question “at their earliest convenience,” and I cannot help resting content with the answer. I think it will serve no useful purpose to press for an inquiry so far as the past is concerned; but at the same time in conformity with the invitation of the Honourable the Finance Member to every Member of the Council to make any suggestions for the future, I suggest to Your Excellency that in the next year's budget the figures relating to Sind be kept apart from those of the Presidency Proper. I am sure the objection that has been taken to my proposal with regard to the figures for the past three years does not apply to the future, especially as Your Excellency will have noticed that the Honourable the Finance Member himself has called upon the members to make any suggestions they choose, and as I have pointed out the difficulty that exists with regard to the past cannot be said to exist in respect of the future. The reasons which have impelled me to make this suggestion are not far to seek. My object is to show the Council in what proportion the income derived from Sind is being utilised for the benefit of that province itself. Your Excellency, for some time past, a feeling has been growing in the province of Sind that the fact that the figures for Sind are not given separately in the budget shows that Sind has not been receiving fair treatment in proportion to the income which it yields. At a previous meeting of this Council, I put a question as to why the services in Sind cannot be brought in a line with the services in the Presidency, which are better paid and have better prospects. The answer was given in the negative and the people of Sind were not satisfied with it. I beg to submit that so far Sind has been made to occupy a lower position in this respect, which should no longer be allowed. I am informed that the cost of living in Sind is higher than in the other parts of the Presidency. Last year I pointed out from the figures given in the report of the Educational Department that the grants given to the schools in Sind were proportionately less than what was given to the schools in the Presidency. I do not

attribute any motive for this to Government or to the Honourable Member in charge of the finance. They have no interest in giving an unfair treatment to Sind; I daresay in the absence of separate figures for Sind they have probably been led to believe that Sind receives a fair treatment. I think that Government will appreciate the suggestion that I make and in the next year's budget they will see their way to give separate figures of revenue and expenditure of Sind as propounded by me.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency,—I do not see any special reason for departing from the pleasing custom of complimenting the Honourable Member in charge of the Budget upon the farsightedness which directs the procedure and the figures resulting in providing for both ends to meet. Coming from the interior, I am, however, compelled to say that there are grave reasons for apprehending that this year may put to test the financial capacity of Government. Taking a very broad Survey of agricultural productiveness all over the world, there appears to be steady decline in the yield in spite of the improved scientific agriculture, and India is no exception. Where agriculture mainly depends upon rainfall the difficulty is greater. But still more, when it has to depend upon cattle labour. This year I can vouch from personal experience, that in parts remote from Gujārat, which has been unfortunately the scene of actual famine, fodder has become so dear that the dearth surpasses all previous record. Eight sheaves for a rupee is the dismal cry everywhere. When I moved the Resolution last year as to the urgency of bestowing more attention on the cattle of the Presidency I myself was blissfully ignorant of this impending calamity. But I could then see that Government was entirely in favour of the Resolution despite the untoward fact of its being rejected by a majority. In the very early part of the cold season a brief review of the conditions of each of the districts in the Presidency was published in a Press Note No. 10978, dated the 21st November 1911, and steps were steadily taken in assisting the supply of fodder, concession rates being made available in course of time to private traders. Thanks are due to Government for these and similar measures. Yet the distress of cattle is acute. The grain rates too as judged from a summary recently published are inordinately high. I remember in Sātāra some years ago when famine first threatened to lower the selling rates less than 8 seers, a few citizens with the help of a resourceful Deputy Collector opened a shop which practically regulated the prices and grain was sold to the needy at not less than 8 seers that year. The same Sātāra now witnesses the sale of grain at 7 seers, *i. e.*, less than famine rates. It is clear that some intervention on the part of organised public bodies exercises a wholesome control and these bodies must for a time ignore the high preachings of free trade as all nations in one form or another have done and are still doing. While commercial demands upon Indian agriculture require a larger production of cotton and other articles, like oil-seeds, it should be the aim of all connected with the Indian administrations to see if the agricultural population have enough supply of food for themselves and of fodder for their cattle. Methods of improved agriculture cannot hope to do away with cattle labour for a very very long time to come especially when small holdings do not come to be managed under co-operation as in Queensland and other places. When therefore the Report of the Sea-borne Trade records increase in export in shipments of fodder, bran and cattle food, it causes no small anxiety to be satisfied what these shipments mean. The withholding of rains and probable estimate of rainfall for this year add not inconsiderably to the embarrassment Government have unhappily to face. But this is merely a symptom of a chronic

state of things that has to be diagnosed. I am persuaded to urge that nothing short of an economic inquiry into the condition of the people who seem to have been losing staying power, in spite of the glow that movement of money exhibits at irruptions, will enable Government to grapple with the situation. Palliative Commissions like the Dekkhan Agriculturists' Relief Act Commissions cannot adequately satisfy the requirements. Revision of Settlement of Land Revenue has proceeded upon the accepted propriety of determining the assessment once for all for 30 years on the strength of improved communications and average rainfall added to the general rise in the country's improvement financially. But when out of these 30 years more than one-third part witnesses failure of the expected rainfall in time for agriculture, and does not average or total several cents put together, the low level of water, the dried streams and parched fields, it is just the case for a revision of settlement even within the 30 guaranteed years. I am afraid the concessional measures of suspensions and remissions will help the people but slightly. They only justify the recommendation for a revision of assessments generally. The triennial Report on Registration demonstrates that indebtedness is increasing and unless the causes of indebtedness are inquired into, no better result will follow.

The Honourable the THAKOR of AMOD said :—Your Excellency,—After the difficulties experienced by the people in different parts of this Presidency owing to the insufficient rains during the last monsoon, it is a relief to find that the coming year promises to be more favourable. Information has been received of good rain all throughout the affected parts and we hope by the time we next meet, we will find that the agricultural operations are far advanced and chances of favourable crops are established beyond any question.

The Government however need very seriously take up the question of introducing irrigation into different parts of the province and also of increasing the number of wells where the irrigation system is not workable, so as to place both the people and their cattle as far as possible beyond the dreadful effects of a famine of water. It will not be disputed that for several reasons the agricultural stock of the people becomes more and more reduced as time goes on, and the devastation among cattle that follows on a famine of water and fodder has very far-reaching and pernicious economic results. Indeed some people do seriously believe that the reduction in the number of cattle tells heavily on the general health and prosperity of the peasants, and indirectly on that of the middle and other classes of the population. Government have no doubt established cattle farms at some places but that cannot avert the effects of a famine to an appreciable degree. In a country where the population is mainly agricultural, all available money may be well spent on projects that go to make the rayats and, through them, the country independent of the fitfulness of nature. Another subject of a pressing character is the steady rise in the price of food stuffs. We are anxiously awaiting the results of the inquiries that the Government have started on the subject, and then will be the time to consider what means can be adopted to bring the prices down to a fair level. I am confident that extended irrigation will bring larger areas under cultivation, but even then inducements will have to be offered to rayats to raise food crops. Coming to education, a subject near to the heart of every one, the discussion in the Imperial Council of the subject on the motion of the talented popular leader the Honourable Mr. GOKHALE, and the tours of his assistants, have opened the eyes of the people to the necessity of elementary education. Though the resolution failed to attract acceptance, it has had its salutary effects. Even the meanest inhabitant of our Empire now is anxious to provide a sort-

of education according to his means to the members of his family. And all intelligent leaders of different communities are vying with each other in doing something towards the achievement of the goal, namely, the eradication of ignorance from among his fellows. My Mohamadan brethren have not been behind the times. They have laid aside their habits of indolence and feeding their minds on the past glories of a vanished Empire and have accepted the inevitable—the acknowledgment of the necessity for education. And my honourable friend, Mr. ВНУРГЕЛ, has set down before them an example, which I should be proud to see followed by inhabitants of the Presidency proper. It is true, my co-religionists in different places are sunk in poverty but I have so much faith in their common sense and energy—and persistence in a right cause that they will shake off their conservative ideas and will not be reluctant—to find out small contribution for spending on matters educational. It will be ungenerous to omit to acknowledge the unstinted aid the Government have given to Mohamadan education—and we value very highly the moral support that is given to the cause of Mohamadan education by rewarding merit—wherever available. I am sure I again repeat the hope that my Mohamadan brethren will rise equal to the occasion and respond to the call of duty sounded on them. The Government of India have promised liberal aids out of which, I find provisions will be made for more schools, and the existing ones will be improved. Due share of the bounty will no doubt go to Urdu schools. But private generosity will have to flow in. And a special cess will have to be introduced if our progress is to be accelerated. For unquestionably the present progress amongst Mohamadans is slow. And here it will not be out of place to mention that in Broach district—encouraged by the genial and inspiring advice of Your Excellency, on the occasion of opening the Mohamadan hostel at Broach last year, and under the fostering care of our esteemed and truly popular Collector, Mr. Rothfeld—liberal donations have been subscribed and collected for the Mohamadan Education Fund, and advantage is being fully taken thereof.

Passing to the subject of the Tálukdárs of Gujarát, I must say that I was disappointed at the reply given to my interpellation today that the announcement of His Majesty the King-Emperor did not refer to the debts due by Tálukdárs in British districts where expenditure on famine relief was borne entirely by Government and that rules did not exist for the remission of tagávi where remission was necessary.

Your Excellency, the Tálukdárs are representatives of the historic families of Gujarát—from which came former rulers of Gujarát—who wielded considerable power and influence. Vicissitudes of times brought on them the dwindling of their powers and for various reasons the process of disintegration continued to have its baneful mastery over them. Time went on and while the descendants of what once were ruling families remained wondering at their faded glory, dismayed by changed circumstances, paralysed into inactivity—prey to pernicious habits—slowly and slowly they were reduced to the position of peasant proprietors and left without advantages of fostering care of Governments and salutary advantages of education of any sort, they lapsed into indebtedness which, in course of time, became chronic.

On the complete establishment of law and order after the cessation of the Peshwa power, the attention of the early administrators was drawn to their extreme, if not abject and inextricable poverty. The benign British Government came to the rescue by special legislation authorising liquidation of debts on advantageous terms and

management of their estates on more economical lines through Government agency. Several Acts were passed and as a result almost all important estates were preserved from extinction. In the year 1888 the Gujarát Talukdárs Act was passed and the petty land-holders—whose estates were deemed to be beyond the pale of the preceding enactments—were brought within its operation. Even then it became soon manifest that the beneficent objects the Government had in view could not be attained without special machinery being provided for the liquidation of debts. The Government have thus placed at the disposal of the Talukdári Settlement Officer a large sum to be utilised for paying of debts that press heavily on Talukdárs to secure their freedom, and it is very refreshing to note from the last report issued by the energetic and talented officer, who now holds the office of Talukdári Settlement Officer, Gujarát, that he is doing his utmost to improve the condition of the Talukdárs under his charge, with the assistance of an able Debt Settlement Officer and a well-supervised staff. Side by side with the liberal pecuniary assistance the Government have placed within their easy reach, facilities of varied nature have been opened to them for their general improvement. I believe Mr. Tupper has set his heart on making education compulsory on certain well-defined lines among the Talukdárs, and I shall regard it as a red letter day in the annals of the Talukdárs of Gujarát when his proposal receives the assent of Your Excellency's Government. Not only this but Your Excellency's Government, to raise the status of the Talukdárs in the eyes of the people among whom they have to move, have given them special privileges, by creating a Sardaret for Gujarát—an institution which I may say was not received without a murmur for it included within its fold some men of undoubted merit but whose place ought to have been in another special list; and I daresay the attitude of Government towards them would serve as an impetus to them to co-operate with the Government and the Talukdári Settlement Officer in the schemes of reform that may be adumbrated for their good. May I venture to express a hope that the hostels which the exertions and foresight of my friend Mr. Tupper have brought into existence at Dhandhuka and Anand will be fore-runners of similar and better institutions and they will send out in the world scions of old families equipped with knowledge and aptitude that will enable them to stand shoulder to shoulder with other classes in the performance of their duties as integral parts of a great and benevolent Empire. There are signs that they are ready to help themselves and profit by the sound advice and facilities that a kind and sympathetic Government have placed at their door. Your Excellency was graciously pleased in the reply to the Broach Talukdár's address in March 1911 to hold out hopes for recognition of their claims to extended opportunities to show their worth and I daresay it is in consonance with the liberal spirit that pervades Your Excellency's Government of this Presidency that the worthy Commissioner of the Northern Division in his last Darbár speech promised to grant civil powers to selected Talukdárs. The claims of the Talukdárs to powers under the Land Revenue Code and to seats on Taluká and District Local Boards are being recognised and in the near future, I believe, they will have retrieved a part of their former status, and thus the hopes of that great statesman Mountstuart Elphinstone will, to a large extent, be fulfilled.

However it will not be out of place to mention that in spite of the excellent desires of Government, there are several estates in Gujarát which have been in the management of the Government officers, under different Acts, for several years, and we see that large

portions of the debts yet remained to be paid. Government originally gave them loans, and it was expected that in 20 years' time the estates would be restored to the owners free from debts. Probably circumstances beyond anybody's control have retarded the realisation of the hopes, for in famine times fresh loans had to be given; it may be in the case of several small estates, so the costs of the management have been heavy and disproportionate to the incomes of particular estates. Complaints have been heard that the Talaties who have practically a free hand to let out lands have not realised proper rents and have not been very active or careful to recover the dues; in many cases the owners have not been very thrifty so as to expedite their freedom from indebtedness; it will be difficult to assign due cause, but it is clear that all or some of the causes have resulted in the estates lying in management for long periods; the Talukdárs who yielded management have grown old and yet their dream of getting back the estates has not been realised, and unless the Government are pleased to come forward to lend them a helping hand and grant them large concessions by way of remissions of Government debts, they will for years more have to struggle in the mire of indebtedness and drag out a wretched existence. I earnestly pray Government will lend a favourable ear to my humble request to come to the help of the indebted Talukdárs. With their present difficulties they need not be blamed if they do not keep pace with the times or are not able to fight their way to the surface.

If this be not possible, I have to request that the inquiries be made whether any alterations in the system of management can expedite the liquidation of debts. I am aware that Mr. Tupper who has been for years the Talukdari Settlement Officer, Gujarát, has made the business his own and has thrown himself into the task with an earnestness which entitles him to our gratitude and that Mr. Tupper who, as his annual reports too clearly show, would not rest content without effecting substantial improvement in the condition of the Talukdárs in all matters touching them, is doing his level best. But it is not impossible that further inquiries may bring out facts worthy of consideration. In the case of very petty estates the costs of management may be remitted or the rate of interest might be lowered. And it might appear advisable to obtain the co-operation of the owners in the matter of the realisation of the dues. I understand that large sums of arrears due to the Talukdárs have been written off during the management. I am aware that the Talukdárs have got liberal remissions as occasions required. The suggestion is not made to disparage anybody, and I know that it will not be received in that light. We are all working towards a common goal and it would be a proud day for Mr. Tupper to be able to announce that a number of the Talukdárs were restored to their ancient hereditaments. His jubilation will be the greater the larger the number of such cases, and long after he has, on completion of his schemes, or on account of the exigencies of public service, laid down the reins of his present office; though he has a long and honourable career before him, the part that he has played in the amelioration of the Talukdárs, a class once great and glorious, will be remembered with feelings of gratitude.

The Honourable Mr. LALUBHAI SAMALDAS said:—Your Excellency,—Our Budgets are framed on the supposition that we shall have an average rainfall in the year. Up to now the rainfall is less than the average in most of the districts, and the cry from almost all districts in the weekly crop reports is "more rain is needed." The situation in some of the districts that had famine conditions last year is getting serious, and we all hope and pray that it may be saved by a timely and copious rainfall. Last year

three districts of the northern division were in the grip of a severe fodder famine which, however, would have been amply provided for owing to the exertions of the Government, the Bombay Central Famine Committee, the Wadia Trustees and other charitable non-official agencies, had their efforts in supplying the affected areas with fodder from outlying districts not been hampered occasionally by what threatened to be a wagon famine.

In this connection I may say that there is a strong feeling amongst those who have carefully watched the working of the sections of the Famine Code relating to the needs of the cattle in a fodder-famine year that these sections should be modified in the light of the experience of last year. This feeling is, I believe, not confined to the non-official workers in the districts, and if my honourable friend Sir Richard Lamb were to appoint a small committee composed, say, of the Collectors of these three districts and Mr. H. A. Wadya, Mr. Purushottamdas Thakurdas or Mr. G. K. Devadhar, and ask them to suggest modifications of, or additions to, the existing provisions of the Famine Code, we shall be better prepared to meet a future famine of fodder. Another suggestion that I have to make regarding the amendment of the Famine Code is about the grant of discretionary power to the Collectors to reduce the task on a test work or, if possible, to grant the dependants dola as in the case of regular relief works. After the declaration of famine the Collector has the power, with the previous sanction of the Commissioner, to reduce the task to avoid deterioration among workers. If similar modified power is given to the Collectors before the declaration of famine it will enable them to gauge the famine conditions more correctly. I may add that the remarks I have made refer to the deficiency in the Famine Code and have nothing to do with the efficiency of the local officers in administering its existing provisions. As a matter of fact the general feeling is one of satisfaction at the efficient handling of the famine problems by the district officers. Your Excellency's and the Revenue Member's tour in the affected districts, as well as the prompt reduction of freight on fodder to $\frac{1}{4}$ th its original amount, have also been fully appreciated by the public.

At last year's Council meeting here we pressed the claims of Gujarát for a fully-equipped Government College at Ahmedabad. During the year Your Excellency has been able to pass an Act removing the legal difficulties to the transfer of the Gujarát College to Government and we are all thankful to Your Excellency for having met the wishes of Gujarát public. Another important educational development for which the presidency must be thankful to Your Excellency is the College of Commerce, the arrangements for establishing which are now complete. The way for this was paved by the institution of a degree in Commerce by the University. But even this reform was mainly due, and I say this on the authority of Mr. K. S. Aiyar who has worked so hard to have a separate degree in Commerce in our University, to the personal interest Your Excellency has taken in the subject.

One thing is still wanting to bring our educational institutions in line with those of other advanced countries. In view of the annual increase in the number of girls in the Arts Colleges, it is necessary to have a full-grade Arts College for girls. The managers of that excellent institution in Bombay, the Alexandra Girls' High School, have in view the establishment of a girls' college. The work and the financial burden of the Government will be lightened if it accepts the co-operation of these people. Is it too much to hope that before the Council meets here next year a press-note will be issued regarding the establishment of a girls' college! While attempting to provide for higher

education for girls we must not lose sight of the fact that the progress in primary education for girls is far from satisfactory. I shall, with the Council's permission, give a few figures comparing the growth of primary education among boys as compared with that among girls. While the number of primary schools for boys has increased by 591 in 1909-10 and by 465 in 1910-11, that of schools for girls has increased by 38 and 22 respectively. I omit the figures of the Native States as well as aided and un-aided schools. The percentage of increase is in the former 10.5 and 7.5 in the two years, while it is 7 and 4 in the case of the latter. The Director of Public Instruction has given reasons for this set-back in the rate of progress of female education. He says, "Things might move faster if a larger supply of respectable women would come forward to be trained, but the prejudice against the profession is very deeply rooted." It is not merely a question of moving faster; it is one of not being able to move as fast as in the preceding year, and the reason given by the Director of Public Instruction does not explain this set-back. If the Department was able to open 38 new schools in 1909-10 in spite of the deep-rooted prejudice of the public, it ought to have been able to open at least the same number, if not more, of schools in 1910-11, for the deep-rooted prejudice is likely to pass away and not increase. I hope the progress in 1911-12 is more satisfactory, and that steps have been taken to improve the housing of schools and of keeping the trained teachers in touch with the training colleges, the lack of which has been noted in the Director's report. If the progress in this branch of primary education is slow, it has been very satisfactory as regards the boys' primary schools. Not only has the number of schools largely increased during the period of Your Excellency's administration, but steps have been taken to increase the salaries of the teachers and to house the schools more decently. The provision for primary education during the period has been Rs. 16,05,320 in 1908-09, Rs. 18,96,276 in 1909-10 and Rs. 20,17,180 in 1910-11, while now it is Rs. 29,54,868. Your Excellency has just reason to be proud of this continuously increasing expenditure for primary education, for there has been nothing approximating to this increase in any similar period during the past.

One word more and I have done. We hear complaints on all sides of the vagaries of the monsoon. Although the Meteorological Department has not been able to detect the causes of these vagaries or to suggest remedies for the same, there is a belief based on science that the rainfall has some connection with the trees in a particular place. With the increase of the population there comes a demand for a larger quantity of fuel and that demand is met by cutting off the existing trees. I beg to suggest that a systematic attempt should be made for the re-afforestation of the denuded hills and of other Government and private grounds besides the reserved and protected areas. A few days ago we saw in the daily papers the plan adopted by the Madras Government granting certain concessions to people who grow trees on village common and road side. Though owing to the difference in the conditions of the two presidencies we may not be able to copy the whole of it, there is much in these rules that can be adopted in our presidency, and I hope the Honourable the Revenue Member will give serious consideration to this subject, which, if properly handled, may have a beneficial effect on the course of the seasons.

The Honourable Dr. TEMULJI B. NARIMAN said:—Your Excellency,—I fully sympathise with my honourable friends Mr. FAZULBHOY CURRIMBHOY EBRAHIM and Mr. LALUBHAI SAMALDAS in their appeal for the extension of female education in our city.

I believe the education of girls is more necessary than that of boys. I also sympathise with my Mahomadan friends in their efforts for the advancement of education in their community, but I would advise them to think of self-help and put their shoulders to the wheel. For me the temptation was very great this time to move a resolution on some medical or sanitary subject and that for two reasons. The first was that we were often reminded by some Honourable Members of the Executive Council that having been given powers to move resolutions members now need not dilate on all and sundry topics at the Poona Meeting and secondly this is probably the last meeting of the Council in Poona under the presidentship of Your Excellency, and as we are nearing the end of the triennial period some of the Honourable Members may not meet again in this Hall. But on a further consideration I gave up the idea of moving any resolution as the remaining period of Your Excellency's office is short and the subject of my resolution cannot receive that consideration at Your Excellency's hand which it would have done otherwise. As this will probably be the last meeting I will be content with a few observations on what Your Excellency has done for the advancement of medical education, medical relief and sanitation. Your Excellency will remember that last year in this Hall I fervently appealed to Your Excellency's Government not to be carried away by the loud noise of our educational enthusiasts and spend larger sums of money on education only at the risk of starving other more important and necessary works for the relief of suffering humanity and those of sanitation. I know that my suggestions were not favourably received by my honourable friends Sir IBRAHIM RAHIMTOOLA and the Honourable Mr. SETALVAD. They said that every year in the past they brought to the notice of Government such subjects for consideration and induced Government to pay larger grants for medical relief and sanitation, and that I should not have said anything that would induce Government to reduce the grants on subjects with which they think they alone are principally interested, I mean Education, but which they must know that we are all equally interested in : the only difference between us is that of the proportion or ratio of the allocation of different grants and the opportuneness or otherwise of the time and circumstances when the subject is pressed forward.

It is true that Your Excellency's Government and that of Your Excellency's predecessors have been spending large sums of money in recent years on medical relief and sanitation, but at the same time no one can deny that the demand for larger and larger educational grants is pressed forward every day and I only wish that Government is not carried away by such constant hammering and set back other equally important or necessary works of medical relief and sanitation. My friend Sir IBRAHIM RAHIMTOOLA and others think that education is the panacea of all our ills, and that education alone will advance sanitation and therefore we must spend all our money on education at first and that indirectly in the course of a century or two, I suppose, the masses will be so educated that they will take care of themselves and no measures of medical relief or sanitary projects will be necessary. This, Your Excellency, is in all probability no more than a beautiful dream, "born of hope and destined to die of experience." How often have we observed the greatest resistance or obstruction to all schemes of preventive medicine from the educated classes! Whether it be a question of inoculation against plague or vaccination against small-pox, or the eradication of malaria from Bombay the objections to these preventive measures come mostly from our educated classes. With the advancing wave of democratic ideas, we are finding increased disinclination to submit

to measures which the medical science suggests for the relief of suffering humanity even in civilized and highly educated countries. Take only one subject of vaccination and we are every day being flooded with hundreds and thousands of papers and pamphlets and leaflets from the so-called anti-vaccinationists, some of whom no doubt are highly educated men, but who are often carried away by fads and fancies and in language artistic and guarded poison the minds of the unwary and unobservant of our humanity. How often have we seen some of the shrewdest of our lawyers, some eminent Judges, ever on the alert to find out flaws or defects in law, and easily discriminate right from wrong, some of our leading merchants who weigh every point and think of every contingency in making a bargain or contract, easily misled by a glowing advertisement in a newspaper about the efficiency or the miraculous cure of some patent medicine and are easily tempted to try it on themselves, little knowing what it contains ! No doubt this is due to the convincing and masterly language in which the advertisement is written. The greatest victims to this fraud are the educated classes, because the masses seldom read this literature. I have dwelt at length on this subject to show that education alone will not be the sheet anchor of all our ills and all our wants.

It was therefore with the greatest satisfaction that I read Your Excellency's speech delivered at Janjira a few months ago. Your Excellency will pardon me for quoting a passage from that speech, every word of which is priceless and ought to be indelibly inscribed in the heart of every member of the Council. Your Excellency said "that of the many calls upon Government in India none are more important than the provision of medical aid which goes to the root of the happiness and prosperity of the masses ; the amount of misery and loss which may be caused by preventible disease is a sad subject of thought. We are doing all we can to mitigate suffering, but much more remains to be accomplished. I hope that in the loud demand for more education, the medical requirements of the people will not be forgotten. The want of medical aid and sanitation may gravely diminish the economic benefits which our schools should confer. From the point of view of the greatest happiness of the greatest number, health is a vital consideration." These, Your Excellency, I say, are wise words, most wisely delivered, and I hope that Your Excellency's successor in office and the present member of Your Excellency's Government will bear these momentous words in mind. His Excellency the Viceroy too has expressed his determination to help education and advance sanitation during his period of office as far as possible and let us hope that both schemes are advanced *pari passu* and that one does not displace the other. The subject of malaria is now very carefully handled by the Health Department of our Municipality, and with Government aid and the co-operation of our people we may soon see a considerable reduction of malaria in our city. We are all very grateful to Your Excellency for the initiative in this matter and the determination to successfully cope with this dire disease. The scheme of the Tropical School of Medicine in which Your Excellency has taken so keen an interest, as well as the project of King Edward Hospital will, I am sure, help the advancement of our medical profession in this Presidency, besides at the same time giving relief to suffering humanity and encouraging research in tropical diseases. I hope the day is not far distant when we may see a Medical College founded in our city officered by the best intellect of the country, which in healthy rivalry with our existing College will considerably help to advance the status of our profession and in return benefit our country. The passing of the Medical Registration Bill for which the medical profession, regardless of the slight

differences of opinion, will ever feel grateful to Your Excellency, will, I trust, be the corner stone of all our future hopes, aspirations and advancement. This was a subject nearest to my heart for more than thirty years, and I was one of the first to agitate about it, and it is no little satisfaction to me to see it realised during the time that I had the honour of being a member of this Council.

One of Your Excellency's predecessors in office, I mean Lord Reay, initiated considerable changes and made alterations and additions to the College and the Hospital buildings and revised the constitution of the staff itself for which the medical profession cherishes his memory with deep affection and gratitude, and we are all equally grateful and thankful to Your Excellency for the further extension and the granting of additional privileges and for the professional and tutorial and other appointments in the Grant Medical College and the J. J. Hospital.

The Medical College Hostel about which my Honourable friend Mr. SETALVAD had asked questions year after year in Council has, I am glad to find from the last year's College report, "become increasingly popular and is now fully occupied." The sympathetic interest which Your Excellency has taken in the formation of the Anti-tuberculosis League will also be gratefully remembered by the inhabitants of our Presidency.

As Your Excellency once remarked, much more remains to be accomplished, but we are all grateful to Your Excellency for what Your Excellency has already done, and if progress is made in the future at the rate that has been done during Your Excellency's régime, there is a bright future for medicine in its widest and most comprehensive sense. On behalf of the medical profession I tender Your Excellency my most grateful thanks for the sincere interest Your Excellency has taken in the advancement of medicine in this Presidency. I believe no Governor before has done so much for the advancement of science in this Presidency as Your Excellency, and we are all grateful for it.

The Honourable RAO BAHÁDUR SHBINIWÁS K. RODDA said :—Your Excellency,—While I am gratified to find from the budget that many branches of the public service are to be benefitted largely in respect of their pay this year, I cannot help feeling that the lot of the poorly paid subordinates in several departments—especially in the lower grade—remains the same as before. They are worse off in point of their income than mere ordinary coolies, for while an intelligent coolie nowadays manages to earn twelve annas or a rupee per day, the poor clerk in the Mámlatdár's office gets only eight annas. This is hardly sufficient to meet the bare necessities of life. The same remark applies to the clerks employed in other Government Departments—judicial, jail, police, etc. There is no graded service for the clerks and the result is that they draw the same pay which they used to draw many years ago, though the price of food has since increased tenfold. A clerk in the subordinate service is generally a man who has taken some education, and if there is no chance of his pay rising above Rs. 15 all his life there is no stimulus for him to turn out good work. But his grievance is aggravated by comparison. For while he does work of a responsible nature in the district for a small pay of Rs. 15, or Rs. 20 at the most, his compeer working at the Government head-quarters gets Rs. 30 a month though his work is merely of a routine character. I venture to hope that Government will see their way to improve the condition of the clerks in the mofussil by making their pay more attractive than it is at present. I submit in considering the question of improving the prospects of these men it will be decided purely on its own merits and no

consideration of an extraneous nature will be allowed to influence the decision. For I find that when in 1864 the question of the peon's pay was considered, Sir James Peile, one of the then Divisional Commissioners, stated that the pay of Rs. 5½ per month was quite sufficient, for whenever these peons were travelling they took their meals with the village patels and had not to pay for them. In the similar manner it may be argued that the karkuns take their meals with talatis, etc., when going out into the districts. I appeal to Your Excellency's Government to lay aside considerations of this kind when considering a question like this. An honest man would not like to take his meals in that way, and the object that should be kept in view by Government when fixing salaries is to give them such pay as to enable them to earn an honest and independent livelihood. In my opinion the minimum pay that should be paid to them is Rs. 20 per month.

Coming to the subject of education, I venture to submit that everything that can be done has been done by the Government of Bombay to put primary education on a really sound basis, and to my mind the Bombay Presidency in this respect occupies the foremost place in the whole of British India. I have had an opportunity of seeing primary schools in the Madras Presidency and I have found that they are decidedly inferior to those of the sister Presidency in the west in point of the quality of education imparted to the students. In the Bombay Presidency the Local Fund schools are spread over all parts of the Presidency, and while even a small taluká here possesses twenty or thirty primary schools, in the Madras presidency it is difficult to find even five or ten in a large taluká. It is also our boast and pride that the standard of instruction given in our primary schools is far superior to that obtaining in the other Presidency. Our standard of admission to the English schools is a course of four years' study in the vernaculars; in Madras a student who passes out of the 3rd is considered qualified to join an English school, though his knowledge of his vernacular is almost nil.

I agree with the remark that has just fallen from my honourable friend Mr. LAJUBHAI that female education in this Presidency is not making that rapid advance as it ought to do. It is true that the Hindus are conservative, and will remain so as long as they are not thoroughly educated. But I venture to suggest that while the education of boys has been entrusted to the fostering care of the Local Boards, the education of girls should be taken under their wings by the Provincial Government. I have no doubt that if the district officers will co-operate in promoting the cause of female education in their districts a great impetus will be given to the opening of girls' schools. I remember the time when men like Sir John Jardine, Mr. Muir and others were Collectors of my district they used to visit villages, advise parents to send their children to schools, and give scholarships by way of encouragement in connection with such schools, and if only their example were followed by our millionaires and wealthy merchants female education in this Presidency would make a rapid advance. The number of girls' schools in each of the districts is comparatively very small. For instance, Ratnagiri has very few girls' schools; so also Kolába. In this matter I am afraid the greatest sinners are my own co-religionists, I mean the Brahmins. (Laughter.) They are the most orthodox amongst the Hindus. I think it should be made a part of the duty of the Deputy Educational Inspectors to advise parents wherever they go to send their girls to school and impress upon them the necessity of educating the mother as a means of national regeneration. Then again the Municipalities can help us in this matter. At present their Educational grants cover education for boys and girls, and as a lump amount is entered in the estimates it is

not easy to make out how much is spent on the boys' schools and how much on the girls' schools. I suggest that in future it should be made a rule with every Municipality that the grants for the boys' and girls' schools should be shown separately. If we cannot reach villages we should at least do something for towns where we are sure to find a class of enlightened people ready to give their girls the benefit of education.

My honourable friend Dr. Nariman has laid great stress on the necessity of spending more money on sanitation. Of course, Government have done their level best in this direction, but I think all money spent on sanitation will be wasted as long as people do not understand and appreciate its benefits. People are in fact too ignorant to understand its value. In my opinion, it is necessary first to educate people and teach them the elementary principles of hygiene and the necessity of forming cleanly habits. Unless you prepare people for a sanitary life, I think all money spent on sanitary works will go in vain. It is necessary that sanitation and primary education should go hand in hand, so that the people might appreciate the value of a hygienic life.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency,—When I pointed out last year that the increase in expenditure for several Departments was quite out of proportion to the increase in revenue for the same, my Honourable friend Sir RICHARD LAMB observed that the method of taking one year here and one year there and then comparing the two was not admissible. I had taken the years 1899-1900 and 1911-1912 to illustrate my point, not as mere random years, but because they almost represented the rise and progress of a decade. However, I have this year prepared a statement of the last fifteen years showing the increase or decrease, whatever the case may be, for particular periods. This statement bears out what I said last year that in the case of several Departments the proportion of the increase in the establishment charges was the same, if not greater, than the increase in the revenue. Thus the increase in the Land Revenue for the first two periods is 8 and 11 per cent, and for the last there is a decrease of 11 per cent. The establishment charges, on the other hand, have increased by 23 and 24 per cent. in the last two periods. The Excise Department shows a tremendous increase in revenue of 175 and 157 per cent. for the last two periods. We cannot congratulate the Government on this increase, but this is by the way. Here too the establishment has managed to keep up its high expenditure, as will be seen from the fact that the increase, which was in the first period 13 per cent. rose to 228 and 221 per cent. respectively during the second and third periods. We find the same tale repeated in the case of the Department of Forests. Revenue for this fell down in the first period to 8 per cent., but rose up by 50 per cent. in the second period and then 188 per cent. in the third period. This Department would not remain behind the other Departments in the race for spending, and so we find that though the expenditure fell down by 28 per cent. in the first period and rose up only by 12 per cent. in the second period, it leapt up to 122 per cent. in the third period.

None can be so blindly wedded to the principles of retrenchment and economy as to insist that the expenditure of the Departments should be the same though the Revenue may rise up. An increasing Revenue means an increased efficiency and an increased expenditure. But I venture to believe that there should be a limit to an increase of this nature. One would be compelled to doubt the sanity of a private individual, who would go on increasing his expenditure in proportion and even out of proportion to his rate

of income. What applies in the case of a private individual applies to a greater extent in the case of a Government entrusted with the management of a large administration. We have no reason however to be pessimistic. There are increasing signs in evidence that the Governments, both Imperial and Provincial, are earnestly anxious to put a curb on their spending Departments. With only such a retrenchment would it be possible to push forward the many schemes of education and sanitation which await completion at the hands of the Government.

In this connection I cannot but congratulate the Government of Your Excellency on the liberal increase in expenditure on Educational and Medical Departments. The first which showed an increase of only 11 and 40 per cent. for the first and second periods shows an increase of 132 per cent. during the third period. The Medical Department which showed a decrease of 32 and 5 per cent. for the first and second periods shows an increase of 126 per cent. for the third period. But though there are such increases in these Departments it may be pointed out that the expenditure on these does not form a very large portion of the total revenue. Thus the percentage of expenditure on education to the total revenue was 4 per cent. in 1899. It remained the same after 5 years, *i. e.*, in 1903-1904, also after 10 years, *i. e.*, in 1907-1908, and is only estimated to rise to 9 per cent. for 1912-1913. The respective percentages for the expenditure on the Medical Department are 6, 4, 3 and 5. One may well contrast with this the expenditure on Police and Civil Works. Percentages for the first were during the same periods 13, 13, 12 and 14; while for the latter they were 6, 10, 13 and 10. We recognise the attention paid to these Departments, but at the same time I may be allowed to observe that education and sanitation are not the less deserving of attention. Again, look at the high percentages of expenditure to the revenue of some Departments. For the Department of Land Revenue the percentage of expenditure to revenue in 1899-1900 was 19, was 17 in 1903-04, again rose to 19 in 1907-08, and is now estimated for 1912-13 to be 27. The Department of Forests is to a still greater extent guilty in this respect. Its respective percentages for the same periods were 84, 66, 50, 63. It is regrettable indeed that so much of the revenue should go to meet the expenses of these Departments.

While gratefully acknowledging all that Your Excellency's Government has done in the way of retrenchment of expenditure and the promotion of education and sanitation, I hope that still greater efforts will be made in the future in those directions whereby the moral and material progress of the Presidency may be assured.

Statement referred to above.

Revenue (in thousands of rupees).

		<i>First Period.</i>	
		1899-1900.	1903-1904.
		Rs.	Rs.
Land Revenue	... ..	2,87,13	3,11,01
Stamp	... ..	43,88	46,13
Excise	... ..	26,50	29,75
Forests	... ..	13,75	12,50
		<hr/>	<hr/>
	Total Revenue ...	4,25,77	4,61,88
		<hr/>	<hr/>

Second Period.

			1903-1904.	1907-1908.
			Rs.	Rs.
Land Revenue	...	...	3,11,01	3,47,30
Stamp	...	...	46,13	32,00
Excise	...	...	29,75	80,25
Forests	...	...	12,50	18,50
Total Revenue	...	...	<u>4,61,88</u>	<u>5,76,21</u>

Third Period.

			1907-1908.	1912-1913.
			Rs.	Rs.
Land Revenue	...	...	3,47,30	3,11,03
Stamp	...	...	32,00	39,50
Excise	...	...	80,25	2,06,50
Forests	...	...	18,50	46,10
Total Revenue	...	...	<u>5,76,21</u>	<u>7,03,16</u>

*Expenditure (in thousands of rupees).**First Period.*

			1899-1900.	1903-1904.
			Rs.	Rs.
Land Revenue	...	...	56,87	56,46
Stamp	...	...	1,90	1,75
Excise	...	...	87	99
Forests	...	...	11,50	8,90
Police	...	...	57,73	58,30
Education	...	...	18,07	20,20
Medical	...	...	28,57	19,88
Civil Works	...	...	27,41	46,14

Second Period.

			1903-1904.	1907-1908.
			Rs.	Rs.
Land Revenue	...	...	56,46	69,66
Stamp	...	...	1,75	1,10
Excise	...	...	99	3,25
Forests	...	...	8,90	9,75
Police	...	...	58,30	72,19
Education	...	...	20,20	28,50
Medical	...	...	19,88	18,96
Civil Works	...	...	46,14	75,18

Third Period.

			1907-1908.	1912-1913.
			Rs.	Rs.
Land Revenue	...	...	69,66	86,04
Stamp	...	...	1,10	1,19
Excise	...	...	3,25	10,44
Forests	...	...	9,75	29,56
Police	...	...	72,19	1,02,28
Education	...	...	28,50	65,29
Medical	...	...	18,96	41,75
Civil Works	...	...	75,18	74,39

The Honourable Sir ISRAHIM RAHIMTOOLA said :—Your Excellency,—Before the Legislative Councils were enlarged it was usual both for official and non-official members to nurse the points that were made at a budget debate by speakers who followed them and revive them after a year at the subsequent budget meeting. But now that the right to move resolutions has been conceded my honourable friend Dr. NARIMAN was not obliged to nurse his criticism of my remarks for a whole year. I wish my honourable friend had taken care to refer to the speeches recorded in the proceedings of the Council to see what actually took place at the last meeting and what views I put forward before the Council. For his information I will read out a very brief extract from the speech I then delivered. “I was very pleased to notice that the Honourable Dr. TEMULJEE NARIMAN introduced a great deal of feeling and enthusiasm in the speech which he delivered in favour of further provision for medical relief. I am in full sympathy with him in his efforts to obtain more funds for a branch of public usefulness in which he is particularly interested. But I am afraid his enthusiasm has carried him a bit too far. I wish he had not criticized the policy of Government in the matter of the steady progress of primary education. He has charged certain non-official members for not agitating in favour of extended grants for medical relief. If he refers to the past records of this Council he will find that some of us have often pressed the claims of medical relief on the attention of Government. We have certainly not asked, as the honourable member has done, that the claims of medical relief should be promoted at the expense of primary education * * *”. I am one of those who believe that sanitation and education must go hand in hand. It is for those reasons that while fully sympathising with the demand of the honourable member to obtain more funds for medical relief, I must part company with him when he asks for such additional grants to be obtained at the expense of primary education. I am inclined to think that this Council will not view favourably any proposal which interferes with the considered policy of Government steadily to extend primary education in this Presidency. It will be observed that what I then referred to was the programme of Government for providing 1,500 new primary schools in three years. I quite realize that on account of certain unforeseen difficulties the full programme was not carried out, and considering the policy of Government which underlay that scheme, I deprecated that any member, however enthusiastic he may be in regard to a particular branch in which he was specially interested, should ask for larger grants from the revenues of the State for that object and propose at the same time that no further extension should be made in primary education before the needs of medical relief were satisfied. That was the attitude, Sir, which I then adopted and which, I am sorry to say, has been misunderstood. I do not know to whom the honourable member referred when he said that it was a beautiful dream to imagine that education will advance the cause of sanitation and that it was the sheet anchor of all our ills and evils. I do not know if any member has ever asserted that education is the sheet anchor of all our ills and evils. All that we contend is, that the promotion of education is a measure which advances the cause of sanitation. I will give an illustration in support of my contention, which, I am sure, will appeal to my honourable friend Dr. NARIMAN. I will take the instance of my honourable friend's own community. In this Presidency the Parsi community is undoubtedly the most educated as a whole. I think it was the Honourable Dr. NARIMAN who told us at the meeting of the Council held at Maháleshwar last May

that practically all the members of the Parsi community, both male and female, were literate and could read and write at least their vernacular. Now, out of the total population of 80,000 or more of which the Parsi community is composed, 40,000 or 50,000 live in the city of Bombay, and if Your Excellency refers to the mortality returns for a number of years before and after the outbreak of plague, it will be found that mortality among the Parsis is considerably less than among the Hindus and Musalmáns. If any community comes up to the European standard in respect of mortality it is the Parsi community. May I enquire of my honourable friend whether education is not one of the potent reasons why the Parsi community shows such superior results in the matter of public health? It is no use charging the educated classes with not appreciating the advantages of medical relief. I am not speaking for others, but speaking for myself. I may be permitted to point out to him that while pressing for steady advance in primary education, I have also pressed in this Council the claims of medical relief for larger assignments. If my honourable friend Dr. NABIMAN wants more money for medical relief his demand will have my fullest sympathy and support, but I do not think he is justified in directing his criticism against the spread of primary education. If my honourable friend is an enthusiastic supporter of medical relief, I am equally enthusiastic in my support of primary education, but I cannot for that reason say that the cause of the one should be advanced at the expense of the other. I say both the measures are of the greatest good to the people and should go hand in hand.

Your Excellency, there is one point in respect of which I wish to invite the attention of Government. It is in regard to the item of revenue in the budget obtained from the Museum funds for charges in connection with establishments, tools and plant. The scheme for establishing a Museum in the City of Bombay was undertaken at the initiative of Government, and Government have rendered very valuable help to the institution, both by giving grants of site and contributing substantially towards the cost of the building. At the same time a large sum of money has been collected from the public. It is usual when Government carry out the work of construction for private bodies they charge so much as 24½ per cent. for establishment, tools and plant. The work of construction of the Museum buildings can hardly be regarded to come within that category. When the matter came up before the Trustees of the Museum they thought that this was an institution of great public utility and that Government should be requested to remit the charge of 24½ per cent. They made a representation to Government on the subject, who replied that they had decided to levy the charge in question. The Trustees thereupon renewed their request on the 11th October pointing out the various considerations which led them to believe that Your Excellency's Government will reconsider the matter. Amongst the different grounds they advanced it was pointed out that this was a work of public utility, that the funds came largely from private sources, and that when a library was regarded as an educational institution, and no such charge was made, a Museum should also be considered an educational institution, inasmuch as while in the one people could study from books, in the other they could learn from the exhibits shown in it. This representation was also rejected by Government. It appears to me that this charge of 24½ per cent. is proposed to be levied under some misapprehension. The building in course of construction is estimated to cost about 8 lakhs of rupees. The charge for establishment,

tools and plant will come up to 2 lakhs. The total estimated cost of the scheme comes up to 18 lakhs, but even taking the cost of building at approximately 16 lakhs, the amount of payment to Government will be about 4 lakhs. The total Government contribution towards the funds of the Museum amounts to Rs. 3,70,000, while practically the whole of it is proposed to be taken back in the shape of establishment, tools and plant charges. Can this be regarded as fair or reasonable? It has to be remembered that it was in consequence of the great interest which Government have taken in the institution and the substantial monetary help they promised that the public responded with funds and now practically the whole of their munificent grant is being taken away under the name of an establishment charge. The practice followed in the case of educational institutions of remitting the whole charge should I think be followed in this case, but if Your Excellency's Government do not feel disposed to adopt that practice, I do not think they should charge more than the out-of-pocket expenditure they incur in connection with the item plus any honorarium they may decide to grant to Mr. Wittet, the Government Architect. Anything more than this cannot possibly be justifiable.

The Honourable Sardár Syed Ali El Edroos said :—May it please Your Excellency,— I must congratulate the Honourable the Finance Member on the very admirable way in which he has prepared his clear and detailed Budget Estimate. The Members of the Council also have no reason to say that they had not sufficient time to go through it, in case they wanted to say anything about it.

The year that closes was rather unfortunate for us, for failure of rain or partial failure, in parts of Gujarát and Káthiáwár, brought on the people the attendant sufferings and want of fodder for cattle was grievously felt everywhere in affected parts. The people also were sufferers, though not to the same extent. Yet the pinch could not but be felt in face of high prices of food-stuffs ruling everywhere. Thanks to the assistance, very opportunely rendered by Your Excellency's Government, wherever wanted, and prompt responses given to calls made on them by private agencies, much has been done to alleviate the distress. All avoidable loss of cattle, the main stay of the agricultural population, has been arrested and it is a matter of unfeigned delight to me, to say that deaths from starvation, in parts very severely affected, have not marred the efforts made by Government and private agencies. The organisers of the Famine Fund have done admirably well and a band of philanthropic ladies, who at great personal sacrifice and discomfort went into remote parts of the country where distress prevailed, to see things for themselves, and carry help, have set before the people of Gujarát an example worthy to be followed in all public emergencies.

There is one thing that has come out prominently. Want of water has been noticed at several places and it is but meet that efforts should be made to improve and increase the water supply of places where a recurrence of similar contingency is likely to put people and cattle into similar difficulties. It is gratifying to note that Government are alive to the necessity, for, Mr. BARROW, the energetic and able Commissioner of the Northern Division, at the last Durbar held by him, made a reference to the scheme he had in view. The matter touches the people vitally and it is better to be armed beforehand. The existing wells might be improved and their number may be multiplied either from Local Funds or special grants provided for the purpose, and I have no doubt the inhabitants of the localities will come forward to respond to calls if made on their time, purse or labour, in a matter affecting their existence in a time of dire calamity.

It is a matter of some relief that Government have been enabled by the declarations of His Gracious Majesty the King-Emperor, the avowed policy of the Government of India, and the practical effect given to these by substantial liberal donations, to embark on a policy of extending and improving popular education in the Province. Of course the progress will not be as rapid as the advocates of compulsory education would wish it to be, but there is no gain-saying the fact that we are advancing in the work of improvement steadily, and cautiously avoiding many pit-falls. In my opinion in the circumstances of the Province, where we have a population, the bulk of which is agricultural, where labour is becoming more and more costly day by day, where we have a large number of schools, with incompetent and insufficient staff, where the schools are housed in bad places, hardly worthy to be called schools, and where almost all schools are doing without the requisite appliances in a province circumstanced as this, I submit, the policy of progressing slowly but cautiously so as to effect general improvements in all directions is not one to be discarded in favour of hurrying things through theoretically, probably thereby getting only the shadow and not the substance. I trust Government are also alive to the pressing want that is felt all over the Presidency for want of a sufficient number of Urdu Schools and of well-trained Urdu teachers. My Mahomedan brothers are awakened from their lethargic habits and have begun to realise the value of education, and I dare say, the greater the facilities provided for them by the State, the greater will be the spread of education amongst them. They are keenly alive to the fact that Government entertain a parental solicitude for their welfare and advancement for which they are deeply grateful to Government.

In reply to my question put at the last meeting of the Council Government were pleased to state that the question of the allocation of money from the Imperial grant of 50 lakhs of rupees for the improvement of Urdu Schools in the Northern Division will be considered. I hope the Urdu Schools will be allowed a substantial grant of the Imperial grant. In regard to the Press Note issued in connection with the question of the appointment of Mahomedan Deputy Educational Inspectors, raised by me, I may point out that the appointment of Deputy Educational Inspector in the Southern Division has so far proved beneficial. Owing to the appointment of the Deputy Educational Inspector, the number of Urdu Schools have greatly increased. Besides the Assistant Deputy Educational Inspectors have not the same power as the Deputy Educational Inspectors, who can directly bring to notice the grievances in regard to Urdu Schools while the reports of the Assistant Deputy Educational Inspectors may or may not be forwarded to Government by the Inspectors. It is, therefore, highly, necessary to have special Deputy Inspectors for Urdu Schools, who may be familiar with the wants and requirements of the Urdu Schools. The Assistant Deputy Inspectors are not exclusively for Urdu Schools. They are able to give scant attention to Urdu Schools as they have to look after Marathi and Gujarati Schools also. The chances for improvement of the character and extent of education amongst the Mahomedans of this Presidency will be considerably multiplied if special officers were appointed to look after Urdu Schools. The number of Urdu Schools is not only insufficient but most of them are very poorly staffed and poorly equipped. The need for Urdu Schools for the girls is still greater all over the Presidency and it will be but just to allot a proportionately reasonable sum to provide for the keenly felt but silently endured needs for the betterment of the education of Mahomedan boys and girls, from our share of the Imperial Special Grant for Education,

There is one subject to which I wish to make a reference. It is the persistency with which, in spite of all precautions, the illicit trade in cocaine seems to prosper in the Presidency. The evil is not now confined to the Presidency Town, perhaps the smugglers defy the vigilance of the Bombay Police and are successful in taking noxious drugs into the interior of the Presidency. I hope the crusade against it will continue with unabated vigour and that the righteous portion of the population will co-operate with the officers of the Government in the difficult task of detection. I believe the matter will not be allowed to rest merely with the activity to trace the smuggling of the stuff in the country. But efforts should also be made to prevent it from other countries by requesting them to stop export except on specified conditions. I have no doubt the authorities of all civilised countries will join hands with our Government in dealing with the pernicious thing. If early efforts in all directions are not made, devices to defeat law will continue to be invented. Public health and safety require that nothing should be left untried to mitigate the evil. We have seen that penalties in the shape of fines have not had the desired effect, and the heavy profits will make dealers unmindful of short term imprisonment even. Rich merchants may find out tools who will come out for small gains to accept punishments for them. On the whole, I submit the subject requires to be exhaustively dealt with and that too very promptly.

The irritation in the matter of the levy of Income Tax continues to be felt in spite of some departmental changes recently introduced. The tax is fixed on insufficient data and sometimes on information, and appeals, which in several cases are heard by the taxing officers themselves, are unsatisfactorily disposed of. It will be an experiment worth trying, for the Income Tax Officer to have some respectable gentlemen to sit with him both to fix and revise the tax. This system will not be faultless, but it will prevent several cases of hardship arising, at least much of the odium against the tax will vanish, if the assesses have the knowledge that they are taxed on reliable information and after all that can be said in their favour has been considered by gentlemen who can help the taxing officer in properly assessing the income.

The last point, I wish to draw Your Excellency's Government's attention to, is the system under which Tagavi grants are made and the amounts distributed. We have heard several abuses of the system. I need not repeat them. I acknowledge the efforts that the officers of the Crown have very sincerely made to remove the blots that disfigure this branch of the administration. Yet the system on the whole has remained the same. Delays occur in actual giving of the money. The system of payment by money orders is not followed even now in some districts and many other hardships are complained of.

Your Excellency, it occurs to me that if talukás were divided into convenient groups, and the applications for Tagavi were disposed of by a Committee of elders of villages selected by different groups or from amongst them selected by the Collector of the district and presided over by the Mámlatdár, with the Talati and the Patel standing by the Committee to furnish the necessary information and if the arrangement were made to hand over the amount there and then, in the presence of the Committee the chances of loss to the agriculturists, if not annihilated, will be considerably minimised. I may assure Your Excellency's Government that I am not a detractor of that very hard working and useful class of public servants till recently very lowly-paid, the Talati, and I offer my remarks in no ungenerous or carping spirit. But I have often heard of the complaints

that cannot always be regarded as groundless and it behoves us to adopt the means if it can be found out, whereby to secure the reputation of Government against unjust aspersions and protect the poor from unnecessary exertions. I hope Your Excellency will be pleased to invite opinions on this suggestion or adopt any other more practical system and do what can be done in the matter.

The Honourable Mr. DATTATRAYA VENKATESH BELVI said :—Your Excellency, before I proceed to address myself to a consideration of the financial statement, I think it is my duty to refer to the grave situation and the gloomy agricultural outlook which the erratic nature of the south-west monsoon has created this year in this part of the country. The Honourable Sir RICHARD LAMB has expressed the hope that the situation may yet improve. I cordially join him in that hope. But I must say that the cultivator in the Southern Division, which I have the honour to represent, has already been driven almost to crude despair. I heard the other day a very sad story on my way to Poona from Belgaum. A peasant in a village in the neighbourhood of Sāngli in the Southern Mahrāṭṭa Country is said to have committed suicide owing to his inability to feed his cattle any longer. I was told he had a large number of cattle and spent the last farthing he had in feeding them. When he found that he could no longer feed them he turned them out of his field so that they might go where they could find fodder. In the evening they returned to his field and being unable to see them starving and seeing them getting thinner and thinner every day he committed suicide. I cannot vouch for the accuracy of the story, but it at any rate shows the present condition of agriculture in the Southern Mahrāṭṭa Country. The south-west monsoon, which is the fertilizer of the soil and which is literally our food giver, threatens to fail us this year. The situation has become all the graver as it comes close upon the heels of a severe scarcity during the last year. I am afraid all our discussion on the budget will prove futile if the erratic monsoon turns out unfavourable, for in that case it would be necessary to use all the resources available to the State for the preservation of the people and cattle.

Now, turning to the budget before us, my first complaint is about the increase in the expenditure under the head of "Police." Last year I made it a point to complain to the Council that there was an unjustifiable increase in the expenditure under this head. I thought my complaint would receive some attention and I would have the pleasure of seeing a reduction; but unfortunately I again find an increase in the expenditure. According to the present budget, the estimated expenditure on the police is Rs. 1,02,26,000. There is an increase under the heading of the "District Police." There is also a small increase under the heading of the "Village Police." I do not grudge at all the increase in the expenditure on the village police. I have always described the Police Department as being top-heavy. We have got many more sub-inspectors and other officers than we really want. In fact, I complained last year that our Presidency is police-ridden. The temporary wave of political unrest, which menaced the peace of this Presidency, has spent itself and passed away, and there is no reason why such a large police force should now be maintained. On referring to the budget I find that this year it is estimated that the expenditure on the village police would be Rs. 9,93,000 as against Rs. 9,55,000 last year. I welcome this increase of Rs. 28,000 as a good sign of progress. But my contention is that the village police should be considerably strengthened. I know that one of my honourable colleagues is going to move a resolution about it, but I call the attention of the honourable members to this point that the number of policemen in the villages has

been reduced without any warrant whatsoever and to the risk of life and property of the villagers. Last year I cited an instance in which a dacoity was committed in a village when a long time after the commission of the crime a party of officers and men of the District Police came to make inquiries, and submitted that if instead of keeping a large district police force the number of the village police were increased it would be possible to prevent the commission of crime in time. As it is, the district police is not in a position to prevent crime in villages.

Coming to the head of expenditure under the district police I find an increase of no less than Rs. 2,05,000 over last year. The estimate in the current year's budget is Rs. 67,53,000 as against Rs. 65,48,000 last year. In my opinion this increase is absolutely unnecessary. I think if the amount of this whole increase or a part of it were utilized for some other purpose it would do an immense amount of good to the public. Suppose, for instance, if you take from this Rs. 2,05,000 a sum of Rs. 50,000, you can very well apply it for remedying one of the sources of grievances of the present moment. I refer to the recent increase in fees in secondary schools. If we look at the budget we find that this increase in fees is expected to bring in an additional revenue of only Rs. 36,500. This year the estimated revenue from fees in the secondary schools is Rs. 2,68,500 as against Rs. 2,30,000 last year. Considering the paltry amount represented by the increase, I ask: "Can we not revert to the old scale of fees and utilise for the purpose of secondary education a part of the sum which may well be saved out of the expenditure on the District Police?" I do not exaggerate matters when I tell my honourable colleagues here that for parents of many students in this Presidency it is very hard indeed to pay a fee of Rs. 4 per month per head for the education of their boys in the sixth or seventh standard. The average income of an Indian father in the middle classes is not more than Rs. 25 or Rs. 30 a month. From this he has to maintain himself and his family and educate his sons. I beg to submit that this increase in fees is quite unnecessary. When I was at college some twenty-five years ago I had to pay a much less fee than what a boy in a secondary school has now to pay. My college fee was then Rs. 3, which was a reduced fee charged to students who happened to get scholarships. Indeed, the present enhanced fee tells so heavily upon the slender means of poor parents that to supply the deficit a fund under the name of the "Poor Boys' Fund" has been started in almost every district under the supervision of the head masters of several high schools. The procedure adopted is that one of the assistant teachers undertakes to collect funds from well-to-do people in the town and when a certain amount is subscribed the fees of the poor students are paid out of it. I venture to submit that it does not at all redound to the credit of Government that poor people wishing to give education to their sons should be put to the necessity of begging for alms in this manner. I hope Government will consider this matter when the next year's budget is framed, and, I feel sure, that the Honourable Sir RICHARD LAMB, who is so sympathetic to the poor, will bear this prayer in mind.

Another matter to which I wish to call the attention of this Council is about the present scale of salaries of officers in the Revenue Department below the Assistant Collector. Recently this Council was asked to increase the salaries of Assistant Collectors, and as this increase was very much needed we all agreed to it. But I submit it is equally necessary to increase the salaries of officers below that rank, from the Deputy Collector down to the kulkarni. I ask if it is not amply proved that the Mámlatdár deserves to get

an increase in his pay. The Mámíatdár is the most useful and the most serviceable public servant. The Collector always looks upon him as the one man in the district whose services can be called into requisition at any time in the time of need. He is an extremely overworked officer. He has to go about the táluká. It is true that he gets his travelling allowance, but that allowance was fixed long ago when the price of grain and of other necessaries was not so dear as it is now. His pay compares unfavourably with that of his equal in rank in the Judicial Department, I mean the Subordinate Judge, as time advances. It very often happens that the two men complete their University careers in the same year; one joins the Judicial Department as a Subordinate Judge and the other the Revenue Department as a Mámíatdár. After a lapse of time, say twenty years, we find that the Subordinate Judge draws a much larger salary than his compeer in the Revenue Department. What explanation can be given for this? I venture to submit that if you consider it necessary to increase the pay of the Subordinate Judge in order to maintain purity of justice, then similarly you should also increase the pay of the Mámíatdár to maintain the efficiency of the Revenue Department. The case of the Deputy Collector stands on the same footing. If the Assistant Collector deserves an increase in his salary, the Deputy Collector deserves it equally. In fact, the Deputy Collector has to do more work than the Assistant Collector, and is sometimes in charge of places in which an Assistant Collector ought to be in charge. I do not see why his pay should not be increased. He has to maintain the dignity of his office and to live in a style suitable to the high position he holds. I, therefore, hope that due consideration will be given to this matter also when the budget for the next year is prepared.

My honourable friend Mr. RODDA has pleaded for an increase in the pay of the clerks in the Revenue, Judicial and other departments. This is, again, a matter which emphatically demands our serious attention. It is literally impossible for a clerk to live honestly on a pay of Rs. 15 or 20 per month in these times. It is a matter of common knowledge that in places like Gadag and Hubli the cost of living is so high that a man has to pay Rs. 10 a month for a domestic servant in order to secure ordinary comforts of life. Does it stand to reason to suppose, I ask, that a clerk would live honestly on such a small pay and resist the temptation of accepting small presents from people who come to him in connection with business? I submit that unless he is paid a decent salary we have no right to expect that he should be above suspicion of corruption. I venture to think that the minimum pay of a clerk in the Revenue or Judicial Department should be Rs. 25 a month. A pay like this will enable Government to select their men from people of better and more educated classes.

Now, I have placed before Your Excellency's Government what I consider to be my catalogue of grievances. There is one point on which I have the greatest pleasure in congratulating the Finance Member. That is the proposed increase in the expenditure under the head of "Medicine." The estimate for this in the current year's budget is Rs. 41,75,000. I hope Your Excellency's Government will be pleased to open hospitals in all táluká towns in course of time. I know that Your Excellency's Government was recently pleased to issue a press communique informing the members of the Council that dispensaries will be opened in several places where they do not at present exist. I hope that promise will be soon redeemed, and my division, namely, the Southern Division, will benefit by the scheme. I can mention several táluká towns in my division which

stand sorely in need of medical relief. My honourable friend Dr. NARIMAN has spoken of the importance of medical relief and pleaded for more dispensaries in the Presidency, in my opinion that is quite right. It is not for me to adjudicate upon the dispute between my honourable friend and the Honourable Sir IBRAHIM as to whether primary education or medical relief should have the preference. Personally I am in favour of both, and I believe that is also the view taken by the Honourable Sir IBRAHIM.

I am glad to see a substantial increase in the expenditure under the head of "Education." For this our best thanks are due to Your Excellency's Government, and also to the Imperial Government which has been pleased to make a substantial grant to us. We must also here express our sincerest gratitude to our august Sovereign himself for what has been done in the matter of education. His Majesty has been most graciously pleased to declare that there shall be an additional recurring grant of Rs. 50 lakhs for the purpose of education from the imperial funds, and we have to be much thankful for our share of six lakhs.

I trust, in conclusion, that the few points which I have placed before the Council will receive serious consideration when the next year's budget is prepared.

The Honourable Mr. GOKULDAS K. PAREKH said :—Your Excellency,—I propose to make a few remarks in connection with the Budget. My first observation is in connection with that item in the Budget, which relates to the estimates relating to the Boiler Inspection Department. With reference to the expenditure under Sub-head H, I think the salaries of some of the offices are on rather too generous a scale. The establishment is also too large. The Chief Inspector is paid Rs. 1,000 rising to Rs. 1,500. There are several officers similar to the Chief Boiler Inspector in regard to duty and dignity such as the Surveyor to the Port of Bombay (1st Grade) whose salary ranges between Rs. 450 to Rs. 650. The Boiler Inspector in Calcutta receives a salary of Rs. 450. The Boiler Inspector of Madras, who is at the same time the Consulting Engineer for Municipalities in the Madras Presidency, receives a salary of Rs. 500, while the Chief Boiler Inspector in the United Provinces receives a salary of Rs. 500. The officer holding a similar post in the Punjab draws a salary of Rs. 500. In view of the salaries drawn by officers in other Presidencies for similar work, I consider the salary of the Chief Boiler Inspector of Bombay too high. It may be that the work of the officer is somewhat more arduous and more important than the work of similar offices in other Provinces. I would not, therefore, grudge a somewhat higher salary to the officer in Bombay than the salaries of corresponding officers in other places. At the same time, I think that the salary provided in the Budget is too high. Then with reference to the number of officers, I understand that it has been recently increased. Up to very recently there were only four Inspectors and the number now has been raised to 8. I understand that the Inspectors are given too much of clerical work. Such work can well be entrusted as in the United Kingdom to engineering clerks, who can do it much cheaper than and quite as efficiently as Inspectors. My object in inviting attention to this matter is that all the expenses are paid out of contribution from the Local Fund specially assigned for that purpose and which I understand is made up of fees received for inspections. These fees fall considerably short of contributions that the Local Fund has to make to Government and therefore the result will probably be that in a few years the Fund may get quite exhausted and Government may be forced to levy

higher fees for boiler inspections. In order that we may not come to that crisis, it is proper to diminish the cost of the establishment.

The next point to which I would like to refer is in connection with the increase of expenditure in the Revenue earning Departments. The Financial Member proposes increases for one year only and they look so small that the members of the Council are inclined to accept them readily. But if the increased expenditure of several consecutive years be taken together I have no doubt that the members will find the aggregate increase exceedingly large and altogether disproportionate to the increase of revenue. I will take a few instances of the increase of expenditure of some of the revenue earning branches of the Public Service during the last decade from 1903-04. First of all take the case of the Land Revenue. The estimates of the receipts from land revenue in 1912-13 were Rs. 4,27,00,000. The estimates for corresponding receipts in 1903-04 were Rs. 3,85,00,000. The increase of receipts during the ten years is Rs. 42,00,000 that is to say about 11 per cent. The estimated expenditure under the head of land revenue for 1912-13 is Rs. 87,04,000. The estimated expenditure under corresponding head for 1903-04 was Rs. 65,91,000, which shows that the increase of expenditure under this head is Rs. 21,13,000. This shows that more than 50 per cent. of the increased revenue goes towards the expenditure of the establishment. I therefore submit that we do not benefit sufficiently from the revenue earning departments. It would be necessary to have some check on the increase of the expenditure in these departments. There have been suggestions from my honourable friends, Mr. RODDA and Mr. BELVI, in reference to salaries of lower clerks in the revenue office. I fully agree with their suggestions. The work of the clerk has grown and their prospects have not improved. So far as the suggestion of Mr. BELVI is concerned in connection with the salary of the Deputy Collectors I think there is a very strong argument that since the salaries of Assistant Collectors are raised there should be a corresponding rise in the salary of Deputy Collectors, whose work is not less onerous than that of the Assistant Collectors. In fact they do the same kind of work as the officers whose salaries have been recently increased and it follows that there should be an increase of salary of the most deserving class of public servants, the Deputy Collectors.

Now, I will take the case of the Stamp Department. The receipts for 1912-13 are estimated at Rs. 79,00,000. In 1903-04 these receipts were estimated at Rs. 61,00,000. The increase of receipts under this head is Rs. 14,00,000 while the expenditure in the current Budget is put down at Rs. 2,38,000. For the year 1903-04 the expenditure under this head was estimated at Rs. 2,50,000 but in 1903-04 the expenditure in respect of stamp papers supplied from Central Stores was Rs. 88,000. In this year the expenditure under the sub-head was reduced to Rs. 48,000. But Rs. 27,000 out of the gain of Rs. 40,000 has been absorbed by the increase of superintendence charges. I think the increase of Rs. 27,000 for a simple matter like supervision of stamps to be exceedingly heavy.

Another Department to which I wish to refer is the Abkari Department. The estimates for these receipts for 1912-13 are Rs. 2,06,50,000. The corresponding estimate for 1903-04 was Rs. 1,09,00,000. Thus there is an increase of Rs. 97,00,000. The expenditure under this head is estimated for 1912-13 at Rs. 10,40,000 while under the corresponding head the expenditure for 1903-04 was Rs. 4,09,000. The cost of

administration in 1903-04 was four per cent. of the income but in 1912-13 it has risen higher than five per cent.

With reference to the Forest Department the estimate of receipts during 1912-13 is Rs. 44,60,000. In 1903-04 the corresponding receipts were Rs. 25,00,000. There has been thus an increase of Rs. 19,60,000 in the receipts. The expenditure under this head is Rs. 29,60,000 for 1912-13. In 1903-04 it was Rs. 18,80,000. More than one half of the increase is absorbed by an increase of establishments. These are some of the departments which earn revenue and the normal increase of revenue must go to supply funds for the services that are organized for improving the material condition of the people.

I would now refer to the spending department to which the Honourable Mr. BELVI made a reference. You will find that the present cost of the Police charges is Rs. 1,02,26,000. The estimates for 1903-04 was Rs. 64,80,000. This shows an increase of more than 37 lakhs of rupees. This large increase has been applied for carrying out Police Reforms. If this would give us an efficient force and a sense of security to the lives and property of the people, I would not grudge the expense. But so far as my own division is concerned, I will take the liberty to tell this Council the results of the Reforms. In 1907 the Commissioner of the Division says thus about the work of the Police:— "A large portion of the routine work of the Police is always connected with the cases of house-breaking. Judging by this standard, the Police as a whole must be regarded as singularly unsuccessful. Only 278 convictions being obtained in 1,258 cases investigated by the Police." Proceeding to the next year we find that the Commissioner makes this remark: "Much more serious is the explanation which points to discontent with poorness of recruiting material always now offered and the deterioration of the morale of the force is the reason of the pronounced detective ability."

In 1909 the Commissioner says "the year is marked by an increase in the number of offences, a diminished percentage of convictions in the Sessions Court and a diminished percentage of stolen property recovered and a distinct increase in the worst forms of serious crimes, such as murders, attempt at murders and highway robbery. There is no reason for the falling off."

In 1910 the Commissioner quoted a passage from the District Magistrate of Kaira who says "it is unfortunately notorious that there are numerous gangs of dacoits and robbers and thieves and yet in the columns opposite No. 30 of Class III of statement A are blank and adds that murders also occur which are not found in the Police report. The incredible boldness of the dacoits and murderers which attracted the attention of Judges is alluded to in the District Magistrate's remark. Mr. Chuckerbutty has also referred to the prevalence of the habit of criminal intimidation. The posting of letters which is a common occurrence is usually followed by some forcible demonstration if they are not attended to. Few of such instances are reported." So far as this question is concerned I do not wish to trouble Your Excellency any further because the subject will come fully before this Council in another form when I will move the resolution of which I have given due notice. But I submit that we have not secured adequate results in proportion to increase in the cost of the Police.

I wish to refer to a subject about which my Honourable the THAKOR of AMOD has made a reference in his speech. He referred to the condition of some of the Talukdars and expressed his disappointment that the help which was expected by the Talukdars

had not been forthcoming. From an answer that has been given to a question put in this Council, we understand that no help is to be given to these people from the grants announced at the Durbar. I submit that their case is a hard one and merits careful and sympathetic attention at the hands of Government because when the properties were taken under management before the Act of 1888 came into force, Government had made them to understand that the management was to last for 20 years. If the Sawkars, instead of being paid off by Government, had been left to be paid out of the proceeds of the estates, the Sawkars' debts would have been completely discharged by the payment of the income of the estate for 20 years. The Talukdars' position ought not to be injuriously affected by the Government paying the Sawkars themselves and making the amount so repaid a charge on the estate. I submit that some consideration is due to the Talukdars whose estates were taken under management before 1888. More than 25 years have passed by and I submit that the case of these Talukdars should be considered in a sympathetic manner.

The Honourable MOULVIE RAFUDDIN AHMAD said:—Your Excellency,—The Honourable Dr. NABIMAN, in referring to the Mahomedan's educational progress, advised them to have the example of self-help. Your Excellency will permit me to say that whatever want of self-help there may be, in the past, the community that has during the last year collected no less than 35 lakhs of rupees for the Moslem University, the community that in this very Council introduced a Bill for self-taxation for the advancement of their knowledge and education, cannot be charged with want of self-help, to the same extent as my Honourable friend Dr. TEMULJI NABIMAN would have this Council to understand. I congratulate the Government on the excellent policy which they have adopted in issuing Press Notes in connection with matters that are brought to their notice in this Council. In pursuance of this wise policy, Government were pleased to issue a Press Note in connection with an important matter introduced in this Council by my friend the Honourable SYED EL EDROOS in regard to the appointments of Deputy Educational Inspectors for Urdu schools. I would now like to address a few remarks on the subject. Your Excellency is well aware that four years ago the Bombay Presidency Moslem League had presented an address to you in connection with the education of Mahomedans, and one of the points that was raised on that occasion was the desirability of having more Deputy Educational Inspectors for Urdu schools. Your Excellency's Government was pleased to take into favourable consideration the representation of my community and a Deputy Educational Inspector was appointed for the Southern Division and the Government Resolution, which announced this appointment, made certain references and added that if the experiment would be successful, more Deputy Educational Inspectors would be appointed in other parts of the Presidency. I venture to say that that experiment has been successful, and the time has come when more Deputy Inspectors should be appointed in other parts of the Presidency. The Press Note that has been recently issued says that there is in every district in Gujarát, an Assistant Deputy Educational Inspector and in addition to that there are two Mahomedan Deputy Inspectors in the Northern Division. Though there may be found an Assistant Deputy Educational Inspector in every district, I respectfully point out that the Mahomedan Assistant Deputy Educational Inspectors are not exclusively for Urdu schools only. They also examine other vernacular schools—Gujaráti and Maráthi—and they are the hand-maids of all sort of work. They have to do everything that the Educational

Department may require them to do. Thus the real object with which the Government appoint the Inspectors and special officers is defeated. I would read the resolution of the Government of India which makes it clear beyond any possibility of doubt as to why these officers are appointed. His Excellency the Viceroy says: (reads the Resolution.) Your Excellency will see that the object of these remarks is that officers of sufficient importance should be appointed instead of subordinate ones. I will give an illustration of what I say. Take the instance of the Eurasian community. A recommendation was made that an Inspecting Officer should be appointed for the examination and supervision of European or Eurasian schools. And now what is the result? Since the appointment of the Inspector, there has not been a single complaint of any kind and the community makes a very decent progress in education. The Mahomedan community wants such officers for the Urdu schools. In the year 1855 there were two Deputy Educational Inspectors for Urdu schools, but their posts have been abolished and subordinate officers have been appointed in their stead. What is the result? These subordinate officers send their reports to the Deputy Inspectors, but the reports carry no weight and fall to the ground because the Deputy Inspectors may or may not send excerpts from the reports to the Government. That is the reason why Government appoint officers of sufficient importance who make reports direct to Government. Now take the instance of Central Division, where there is a sufficiently large number of Urdu schools. There is no Special Inspector or Deputy Inspector of any kind. It may perhaps be said that the number of schools in the district is not large enough. But it is in order to make the number large that a special Inspecting Officer is necessary. Take the case of Southern Division. Since the appointment of the Deputy Educational Inspector, the number of schools in the Southern Division has increased. It is for that purpose that we want Deputy Educational Inspectors for the Central and Northern Divisions. The case of an Assistant Deputy Educational Inspector stands on a different footing because he has been raised from the lower to the higher grade and he is like other Inspectors. They do not look exclusively after Urdu schools. Our object is that Government should appoint officers to look after Urdu schools and improve them and put them on an efficient footing. The Urdu schools, owing to want of proper supervision, are in a condition, far from satisfactory and, in order to improve this state of affairs, it is essential that Inspectors of higher grade should be appointed.

The condition of Mahomedan education is, as I have said, not altogether satisfactory. Three years ago at the first Budget meeting of the enlarged Council, I had the honour to move a resolution in this Council with a view to bring the whole matter to the notice of Your Excellency, and Your Excellency at that time was pleased to assure me that the Government have fullest sympathy with the object, but at that time they did not see their way to appoint a special committee to enquire into the matter. Since then our grievances have increased. His Highness the Agakhan laid great stress on this subject in his speech at the Moslem Educational Conference held in Poona. Since then we have held two Educational Conferences and discussed in a body the needs and requirements for the improvement of our system of primary education and the recommendation of the Conference is that unless an Inspecting Officer of high grade is appointed, the state of inefficiency of Urdu schools would not be remedied. I think it is time that Government paid the most serious attention to the recommendations of the community.

Another matter to which I wish to draw Your Excellency's attention is in regard to the Moslem representation on the Municipalities. In reply to the address to which I have just referred, Your Excellency was pleased to observe "Government is prepared to go further in the direction of meeting your wishes and to use their one-third nomination to rectify any considerable deficiencies disclosed by the polls in cases where the improved electoral position of the Mahomedans to which I have referred does not arise. To meet your complaint that the nominations of Government have not always received the meed of popular approval and tend to make your community indifferent to Municipal elections and ignorant of the art of local self-Government we are prepared to give the most favourable consideration to selections made by a representative Mahomedan body in each Municipality. If, therefore, you succeed in creating such organizations, their influence will become real and important."

Your Excellency's remarks were sent round to the Collectors, but may I ask how far they were acted upon? Now we have succeeded in establishing an organization in every district of Gujarát, Southern Marátha Country and we find that Your Excellency's own recommendations have not received that support which they ought to have received. My friend the Honourable SYED EL EDROOS pointed out the utterly inadequate representation of Mahomedans in the Municipalities in Gujarát. In view of the fact that the Moslem representation has not been adequate, a special clause was inserted in the District Municipal Act, enabling Government to carry on local self-Government by group. You have got that power, but I am sorry to say that in spite of the power as far as the administration of Municipalities is concerned, Your Excellency's own remarks have not been put into practice. It is a matter which deeply affects the Mahomedan community. This matter should be at once taken in hand, because there is no branch of administration more important and which enters so largely and is connected so closely with the improvement of the primary education and daily requirement of the community.

Another point to which I wish to draw Your Excellency's attention is that there is no item in this year's Budget provided for raising the Poona Camp School to the position of the High School. Mr. Sharp, the Director of Public Instruction, twice recommended that the Poona Camp School should be raised to the position of the High School. We were expecting that some such item would appear in the Budget. I believe that this is the only school in the Presidency, where Mahomedans are taught English through the medium of Urdu. This is the one institution which is in a flourishing condition and if Your Excellency's Government would see your way to make it a full grown High School, the Mahomedan community would feel that one of their real grievances is remedied. I would therefore urge that serious attention be paid to the subject and that a provision be included in the next year's Budget for the realization of this object.

I have now to say one word in regard to the Famine Relief. I have heard a serious complaint that there has been a great deficiency of vehicles and wagons for carrying fodder and that there has been a great mismanagement in regard to this matter. I hear that a representation has been made to Government and I think that if something is done in connection with this subject, the process of relief work in the time of famines would be considerably facilitated in the future.

The Honourable Mr. R. D. PRIOR said :—Your Excellency,—The Honourable Mr. BELVI made some remarks as to the raising of the fees in High Schools. This question was brought to the front a very short time ago in connection with a memorial from the Deccan Education Society, and the reasons which were given by Government at that time still stand. I do not think there is the slightest reason for going into them any further. It was pointed out among other things that the schools have been for years—ever since I have known them—miserably equipped, and that extra money must be raised and Government promised that the money so raised should be devoted to the schools. I do not see that much more can be done. In regard to what has fallen from the Honourable MOULVIE RAFI UDDIN AHMAD, he is quite wrong about the Assistant Deputy Inspectors. In my division, that is to say the Central Division, all my Deputies have had orders for many years to submit to me personally the reports sent to them by the Assistant Deputies, and I have read them carefully every year before framing my own report. I confess I do not know what goes on in other divisions, but I suppose the same sort of thing. I do not think the time has in the least come when a Mahomedan Deputy is needed for the Northern and Central Divisions. I had a letter from the Inspector of the Northern Division a few days ago, in which he told me that apart from a few families in Ahmedabad, Surat and other towns, there are very few people who wish to use Urdu at all, and I do not think we should have a special officer merely for these people. As regards the Poona Camp School, I did not know that this question would be raised, but I think I can prove conclusively to Government that we should have to go to enormous expense to provide a school which would really only interest the Pársi and Mahomedan communities in the camp: as there were no buildings forthcoming for the school the question dropped.

The Honourable Mr. SIDDHANATH DHONDEV GARUD said :—Your Excellency,—The first question that is present before the mind of everyone here is the prospect of rain, for if there is not a sufficient rainfall within the next few days, I am afraid this Presidency will find itself in the grip of a much more serious famine than has ever been experienced in recent years. Last year was bad enough, and this year, if the prospects do not improve quickly, may perhaps prove still worse. The fodder difficulty is already acute this year, and if the danger becomes real, I cannot imagine how it would be possible to save cattle. Last year the liberality of the Forest Department kept us supplied with bales of grass and was instrumental in keeping down the price of fodder. The shortage of fodder was felt keenly in common with other parts of the Presidency, in parts of Dhulia and West Khándesh, and when we most required it there, the supply was cut off perhaps to meet the still more urgent needs of Gujarát. But now if our worst fears are realised, I am afraid we will have to experience the same difficulty to a far greater extent, and unless some means are devised to keep these parts of Dhulia and West Khándesh supplied with grass the question of saving the cattle will become a serious one.

The next question which Government will have to consider in case of famine is the kind of relief work that should be provided in villages. In one of the questions I have asked Government I have suggested that some surveys in connection with village irrigation works should be carried out and more money should be placed at the disposal of the Public Works Department for those surveys. I submit that if these surveys are made the department would be in a position to place before Government irrigation schemes for

each district, which, if carried out, would relieve the situation. I beg to point out that during the last famine the work that was given to the labourers on the famine work was that of metal breaking, but that kind of work is most unsuited to the agriculturists and causes them great hardship. I would suggest that if we again find ourselves face to face with famine which everyone wishes would not be the case, the village relief work should take the form of irrigation work, so that while it will give the agriculturists the relief they need, it will afford protection against famine in future years.

Your Excellency, at a previous meeting of the Council, I put a question to Government whether the railway from Manmád to Málegaon would be taken up in the near future. I was told that it would not be. I have since learnt that a survey of that work has been undertaken and an estimate as to its probable cost has been arrived at. I submit that the railway will be welcomed not only by the Násik district but by the trade generally.

Again, I asked Government at the last meeting of the Council about the revision of pay given to the subordinate clerical establishments in the Revenue and Judicial Departments, and I was told that a scheme had been submitted to the Government of India. I may state that the difficulties of the clerks of the subordinate establishments in these departments have now become very acute and people are anxious to know when the matter is to be taken up and at what time the decision would be arrived at.

Your Excellency, I heartily associate myself with those previous speakers who have congratulated Your Excellency upon your successful administration. Those like myself who were privileged to come into close contact with you have realized what a keen personal interest Your Excellency has taken in the welfare of the people committed to your charge. I had the privilege of making a few suggestions on educational matters and I know what personal interest Your Excellency took in discussing them. The enlarged Councils with non-official majorities are a standing memorial of Your Excellency's broad sympathies for the people of this Presidency and the successful working of this Council is a testimony of Your Excellency's wise statesmanship. Every department of State has received Your Excellency's careful attention and has profitted by Your Excellency's interest in its problems. The agricultural community of this Presidency is particularly grateful to Your Excellency for the solicitude you have shown in their welfare. The liberal system of remissions and suspensions, which was introduced in Your Excellency's régime, is especially appreciated by them as a great boon in the time of adversity. The improvement of the Agricultural College and the Agricultural Department is another direction in which the agriculture of this Presidency has been benefitted. And for all this, I assure Your Excellency, you will long be remembered with gratitude by the people of this Presidency after you have left this country.

The Council then adjourned till 11-30 a.m. on Tuesday, the 9th July 1912.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,

Secretary to the Legislative Council.

Poona, 8th July 1912,

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

The Council met at Poona on Tuesday, the 9th July 1912, at 11-30 a. m.

P R E S E N T :

- His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I.,
G.C.M.G., G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. MAHADEV BHASKAR CHAUBAL, C.S.I.
- The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.
- The Honourable the ADVOCATE GENERAL.
- The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Sardár LAKHAMGAUDA BASÁVPRABHU, Sar Desái of Vantnuri.
- The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
- The Honourable Mr. DUNCAN CARMICHAEL.
- The Honourable Mr. GEORGE CARMICHAEL, I. C. S.
- The Honourable Sardár Ráo Bahádur MOTILÁL CHUNILÁL.
- The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.
- The Honourable Sardár PURSHOTTAMDÁS VIHÁRIDÁS DESÁI.
- The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
- The Honourable Sardár SYED ALI EL EDRÖS.
- The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.
- The Honourable Sardár NARAYANRAO GOVIND *alias* BÁBÁ SÁHEB GHORPADE
Jághirdár of Ichalkaranji.
- The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Amod.
- The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
- The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁO, Ráje of Málegaon.
- The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR.
- The Honourable Mr. LALUBHÁI SÁMALDÁS MEHTA.
- The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. G. P. MILLETT.
- The Honourable Sardár Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.
- The Honourable Sardár DÁVAR KAIKHOSEO EDALJI MODI.
- The Honourable Sardár COOPOOSWÁMY VIZIARUNGUM MOODLIAR.
- The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).
- The Honourable Mr. J. P. OER, C.S.I., I. C. S.
- The Honourable Mr. GOKULDÁS KAHÁNDÁS PÁREKH, LL.B.
- The Honourable Mr. F. G. PRATT, I. C. S.
- The Honourable Mr. R. D. PRIOR.
- The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Mr. MARSHALL F. REID, C.I.E.
 The Honourable Ráo Bahádur SHRINIWAS KONHEE RODDA.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
 The Honourable Surgeon-General H. W. STEVENSON, C.S.I., I. M. S.
 The Honourable Mr. W. C. SYMES.
 The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
 The Honourable Mr. HARCHANDBRAI VISHINDAS, LL.B.
 The Honourable Mr. C. H. WILSON, C.I.E.

His Excellency the PRESIDENT :—The Council will resume the debate on the Budget.
 The Honourable Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD said :—Your Excellency,—I rose last evening in order to endeavour to clear away any misapprehension that may have been caused in the minds of this Council by what fell from the Honourable Mr. BELVI, who I regret to notice is not present in his seat to hear what I have to say. In speaking yesterday on behalf of what he called his division, *i. e.*, the Southern Division, he referred to the condition of the ryots in that part of the country as being one of crude despair, and he quoted the instance of a ryot concerning whom he had heard that seeing his cattle constantly getting thinner and thinner he was so much upset that he at last committed suicide rather than see them die. Apart from the impropriety of bringing such a story before the Council without verification, I should like to point out that the locality in which this is supposed to have occurred is not in the Southern Division at all, but is in the Southern Marátha States, although bordering on the northern portion of the Belgaum district. But I should also like to point out that this ryot, so far as Government arrangements were concerned, need never have been in want of fodder for his cattle, because from the very beginning of the scarcity at the end of last rains the Collector of Belgaum obtained permission from Government to purchase fodder and store it at the stations in the north of the Belgaum district. Therefore, if the ryot really possessed any large number of cattle, it was open to him to go to the Government Depôt and either borrow the grass as tagái, or else pay for it in cash. Therefore, the story that the man killed himself because his cattle were getting thin seems to me a very “thin” story indeed. As regards the “crude despair” about which the Honourable Mr. BELVI talks, I must entirely controvert that statement. The ryots of the Division are not in a state of “crude despair” at all. The “severe scarcity” of which the Honourable Mr. BELVI talked was very partial. It occurred in about a quarter of the district of Bijápur and a quarter of Belgaum and in about a quarter of the district of Dhárwár; and in no place has the distress been so great that people were ever willing to come on to any nature of relief work, and I may say that one of the principal reasons for this is that the two previous seasons throughout the whole of that country were seasons of exceptional plenty. Therefore, to talk of “crude despair” and to bring forward this story about the suicide are quite unjustifiable in the circumstances of the case. There is one other remark which has been made which I should like to notice before I sit down and that is the Honourable member’s complaint to the effect that in spite of his having told the Council that the *shet-sanadis* were being unduly reduced, that reduction had still continued.

I remember his making this remark and was interested in hearing him say that in consequence of the reduction in the number of village policemen it was no longer possible for him to travel about the district, escorted by a *shet-sanadi*. The Honourable member appears to be under the impression that the village policeman is intended to be sort of "man from Cook's" or a representative of some other Tourist agency. He consequently thinks that he has something to complain about. It is not, however, the idea of Government that people travelling about the districts should be accompanied everywhere by a village policeman. No such pretension would be put forward in any division but the Southern Division, and his very remarks show how many superfluous policemen there used to be when anybody walking about the district could call upon one of them to be his escort or guide.

The Honourable Mr. G. P. MILLETT said :—Your Excellency,—The Honourable Mr. GARUD in his speech yesterday made reference to the grievances of the people of Khándesh because grass, which had been collected in Khándesh, was not available for the people of Khándesh, but was being exported to Gujarát. There may be some misconception unless I explain the circumstances under which the export has taken place. When the rains failed last year there was an immediate scarcity of fodder in Gujarát, and it was necessary to undertake operations to provide fodder for Gujarát. At the same time there was not the same fear, at that time at least, of scarcity in the Deccan. We wanted to collect a large amount of fodder in Khándesh for Gujarát, and contracts were given for a total quantity of 325 lákhs of pounds, which was all intended for Gujarát. The Collector of West Khándesh foresaw that there would be some scarcity in West Khándesh, and made his own contract for the provision of 50 lákhs of pounds of grass for his own district. The trouble we had from the very commencement was in getting labour to get in the grass. We tried to commence operations at the end of October and could not get sufficient labour. We could get no one to cut the grass, which it was imperative should be done at once. In order to get a fair amount in time the people had practically to be driven on to the work. We imported labour as well, but it was very inefficient, and the result was that up to the end of December we had a very small collection of grass. A very large amount of it was obtained after the proper season had passed. Whereas we wanted 325 lákhs for Gujarát we only succeeded in getting 240, and while the Collector was to have been provided with 50 lákhs he only got 35. There was thus 100 lákhs of pounds deficient in Khándesh alone. This reacted on the district afterwards, because after we had supplied grass to Gujarát and still continued to supply, the Collector of West Khándesh found his collection insufficient, and he asked for 30 lákhs out of the grass for Gujarát. We gave him 10 lákhs of pounds and then found it necessary to stop further supply as the claims of Kaira became more pressing. Also we expected that the wealthy inhabitants of Dhulia would make arrangements to collect and bring in grass from the forests, because although we were not able to get more grass, there were still large quantities of grass in the Western Tálukas which the people were free to take for their own use on payment of four annas a cart-load. This was largely availed of; in fact, thousands of cart-loads were taken away at that rate. With a little organisation on the part of the people of Dhulia they might have gathered a great deal of that grass, poor in quality, but good enough to keep the cattle alive. Thousands of people took grass from the neighbouring Holkar's territory where they had to pay Rs. 2 anna 1 per cart and carry

it 30 or 40 miles. In the Satpuras they took grass for four annas a cart-load wherever there were roads enabling the grass to be taken away. Free permission was given to the people to take grass in head-loads where they liked, and this was extensively availed of. I think, with these few remarks I have shown the Honourable Mr. GARUD that Government did all they could for the people of Khândesh.

The Honourable Sir PHEROZESHAH M. MEHTA said :—Your Excellency,—I only propose to say a very few words on the Budget on this occasion. I join my voice to the complaint which has already proceeded from the non-official members of the Madras Legislative Council that the arrangements, which were propounded by the New Reforms Act and which were supposed to be framed with a view to bring non-official members into closer touch with the preparation and discussion of the items of the Budget, are, as the non-official members in the Madras Legislative Council called it, more or less of a farce, not in the way of inveighing against any individual person, but under the stress of circumstances which could not permit the non-official members to take that part in the framing and discussing of the Budget which it was at first thought the new rules would allow them to do. Perhaps, Your Excellency, I would explain what I mean to convey by giving a concrete instance of this year. As soon as the Budget proposals were ready, we immediately proceeded with the appointment of the finance committee. When the finance committee was formed I, as one of its members, received the Budget proposals on a Friday and was asked to attend the meeting of the committee to consider them on the following Monday. I think it would be recognised that it is almost impossible for a non-official member to master the proposals prepared after careful consideration by the Finance Member within the time which was thus given to the non-official members. I did not attend the meeting on Monday, because I thought it was perfectly useless to do so and because I had another important engagement on that day. I thought the deliberations of the committee would at least take such time as would enable me to go through the proposals and to be present on the following Tuesday or Wednesday to take my part in its deliberations. Unfortunately the committee wound up its affairs on that very Monday, and nothing remained to be done but to sign the final report made by the committee. It is perfectly true that when the Budget came again before the Council after it had been referred to the Government of India, it was open to the members to bring forward resolutions on specific items. But I think it will be admitted that the procedure by way of resolutions is one which is most cumbersome and hampers non-official members to a very great extent in going over the various items, and even if they confine themselves to two or three principal heads, they find it is absolutely impossible to cover the various topics and subjects. In the old days when this arrangement did not prevail, there was a great advantage in the general debate which was allowed on the Budget during the rains in Poona. It was a custom hallowed by practice, and, I must say, blessed over and over again by Governors and Viceroys who encouraged the general discussion of the policy of Government. Unfortunately Your Excellency has ruled that this debate must be confined within the narrow limits of items in the Budget itself. From the reports which I have read in the papers as to what fell from the Honourable Sir RICHARD LAMB yesterday, I find that he enjoined members to confine themselves to the relevant matters in the Budget only. I confess for one that the twenty minutes allowed even for that purpose are not sufficient for covering, what you might say, two or three important heads. For instance, I should have liked to make

some remarks about the head, "land revenue." I should have liked to explain what took place on the previous occasion in the Council as regards restricted tenures. But it is always impossible for members to place their views before the Council so as to be understood and followed without going through the historical account of what has happened in the past. That would in itself take more than twenty minutes. In the same way I should have very much liked to speak on the educational heads of the Budget and discuss the policy of Government as regards primary education, secondary education and the higher University education. But it always strikes me that it is utterly impossible to do justice to anything that you might desire to place before the Council within the space of twenty minutes. The honourable non-official member of the Madras Legislative Council, who has raised this point, suggested that the finance committee should be made the standing committee throughout the year, and I put it to Your Excellency and the Council if a remedy of that sort may not prove an efficient and practical one. From the remarks which fell from the Honourable Sir RICHARD LAMB and which I read in the papers, I find that he himself says that the discussion of various items of the next year's Budget are already proceeding. If that is so, it is very desirable for this finance committee to be converted into a standing committee, so that its members may have an opportunity of discussing these questions as they arise, and may not have to wait till the end of the year. I do not blame any one for this result, because so far as the way in which the finance committee can work is concerned, it is restricted by the preparation of the Budget locally as well as by the necessity of sending it for consideration by the Government of India. It seems impossible, if the present arrangement is followed, that justice can be done either by the members of the Government or the non-official members. They are limited by the requirements of time for passing the proposals from one person to another. The only remedy for this at present seems to be that the finance committee should be transformed into a standing committee, before whom the Finance Member should bring forward his proposals as he himself considers them and then send them on to the Government of India. It appears to me that some remedy must be found to give effect to the one great object of the reforms, which, as Lord MORLEY distinctly put it, was to enable the non-official members to be in closer touch and contact so as in a manner to take a really efficient and active part in the preparation and consideration of the Budget.

The Honourable Sardár Ráo Bahádur MOTILÁL CHUNILAL said :—Your Excellency,—In supporting the Honourable Dr. NARIMAN's request for more funds on sanitary and medical institutions, I beg respectfully to urge that though Government have of late years sanctioned large expenditure on sanitary works and are providing at least one dispensary at the Head Quarters of a Táluka, the provision for medical aid is extremely insufficient and miles of country have not a single doctor. This state of things requires to be remedied as early as possible. In towns where there is a Municipality usually a dispensary is maintained and the funds at the disposal of a District Local Board cannot support more than one dispensary in a Táluka. The Government should therefore, I respectfully submit, set apart a certain sum in the Budget, and the Honourable the Surgeon-General should be asked to draw up a programme for new dispensaries to be opened during the next five years. In drawing up the programme, care should be taken that as far as possible dispensaries are so located that the country for five miles round can be served by it. I do not think, Sir, that my proposal is extravagant. It will only serve to satisfy the public to some extent and will give far greater medical relief than can be had at present.

My friend the Honourable Ráo Bahádúr Rodda has advocated the claims of the Educational Department and those of the servants, Clerks and Indian officers serving in the Revenue Department for more pay. As so much has already been said on previous occasions in regard to the need of the Educational Department, I will not trouble Your Excellency with a repetition of the arguments. There are however two points which have not been so fully urged. One is in regard to the inspection of the Girls Schools. Government have been pleased to appoint an Inspectress, but her charge is so extensive that except visits and inspections at long intervals she is not able to undertake the administration of the Girls Schools. In saying that the entire administration of the Girls Schools should be under a woman I am echoing the unanimous opinion of the feminine world. I beg very strongly to urge that Deputy Inspectresses of Schools should be appointed, and the administration of the Girls Schools should be taken away from the Deputy Educational Inspectors and the Municipality and given to the Deputy Inspectresses. This can be done with the least cost compatible with the importance of the subject. An Assistant Deputy Educational Inspector may be reduced, and an independent lady appointed with the pay and rank of a Deputy. The Honourable MOELVIE RAFIUDDIN has urged that separate Mahomedan Deputy Educational Inspectors for the Urdu Schools should be appointed for the Northern and Central Divisions. If this is likely to satisfy and please my Mahomedan brethren, I support the request cordially, and ask Your Excellency's permission to suggest how it could be done. There are two Mahomedan Deputies in the Northern Division, one of whom may be posted to the Central, and the other to the Northern Division and two Hindu gentlemen appointed in their places. It will be possible to reduce two appointments of Assistant Deputies and extra cost on account of the difference between the pay of an Assistant and Deputy will not be much. The Honourable Sardár NARSINGJI has spoken about the Education of the Tálukdárs. There is no doubt Sir, that much has yet to be done in that direction, but the class of Tálukdárs may be said to be well off and they can very well put their shoulders to the wheel and with the sympathetic support of Government have a college of their own.

My friends the Honourable Mr. BELVI and the Honourable Ráo Bahádúr Rodda have strongly advocated the claims of the Deputy Collectors and Mámlatdárs to higher pay. The former gentleman has so ably espoused the cause of these officers that he has not left much for me to say. The Mámlatdár is an officer on whose help the different departments of the Administration are dependent. He is the axle which supports the carriage. He is a very hard-worked officer and jack of all trades, though I cannot say that he is master of none. He ought to have full knowledge of the Revenue, Finance, Municipal, District Local Board and Magisterial work, and general information of the workings of other Departments. His pay is scarcely enough as compared to the onerous duties he performs, the responsibilities he has, and the position and influence he enjoys in his Táluka. Similarly the Deputy Collectors are invested with the powers and perform the duties which the Assistant Collectors perform. The number of appointments in the first grade of Rs. 800 is one, and in the second of Rs. 700 only three and in the third grade of Rs. 600, seven. In the Judicial Department, on the other hand there is one Judge of a Small Cause Court on Rs. 1,000, three on Rs. 800 each, three first class Sub-Judges on Rs. 800, and four on Rs. 650. I hope that Your Excellency's Government will be pleased to equalise the number of the higher paid appointments of the Deputy Collectors in the proportion in which they are held by Judicial officers by raising the pay of some of the appointments of the lower grades. The grades of Mámlatdárs ought to be like those of

the second class Subordinate Judges. In regard to the pay of the karkúns both in the Revenue and Judicial Departments I submit they require immediate revision and the lowest grade of appointment should not carry less pay than Rs. 20 a month.

I have to invite the attention of Your Excellency to the important questions of roads in the mofussil. Your Excellency has been pleased to rule that Government will provincialise those roads which pass through more than one District, but Sir, there are roads, which though pass through one District, link two, for instance the Broach-Jambusar and Anklesar-Sahol which go right up to the borders of the District, and are so long that they are proper objects to be treated as Provincial roads. The cost of their upkeep is a very great drain on the Board and it will relieve large sums for other important works.

The Honourable the JA'GHY'EDA'R of ICHALKARANJI said :—Your Excellency,—I have several times asked questions in this Council in regard to the proposed construction of railway between Pandharpur and Miraj and of a bridge on the river.

His Excellency the PRESIDENT :—I must point out to the honourable member that he may not speak on railways, because railways are not subject to the authority of this Government.

The Honourable the JA'GHY'EDA'R of ICHALKARANJI :—What I wish to lay before the Council is that the Municipality of the place is willing to contribute towards the cost of building a bridge on the river and I request Your Excellency's Government also to contribute their share from the general funds. If that is done it is possible that some philanthropic people may come forward to supply the deficiency and the scheme of the bridge may be expedited. It will be recognised that the construction of the railway has much to do with the building of the bridge, and if the railway scheme is to be undertaken, it follows that the question of building the bridge should also be considered. The question of building this bridge was started some twenty years ago and a sum of a lách or two was actually subscribed for the purpose, but nothing came out of it at that time. But now that so much is made of the fair which is held at Pandharpur every year, I think if Government were to build a bridge there, it would show the people that Government are anxious not only for the health of the public but also for their comfort. I support the suggestion made by the Honourable Sir PHEROZESHAN that the Finance Committee should take the form of a Standing Committee. I think if such a thing is done it would enable non-official members to take an intelligent part in the preparation and discussion of the budget proposals. With regard to what fell yesterday from my honourable friend Mr. BELVI on the question of the police, I may say that those of us who have something to do with the administration of villages, can vouch for this that though the district police may not be quite an ideal police, the assistance it gives to the village police in the investigation of crime is of much use, particularly when the crimes are committed in consequence of factions in villages. It has been the experience of many that when there are factions in a village there is a tendency on the part of the village police to give protection or shelter to the offender if he belongs to their party, rather than to bring him to book. I may say only one word with regard to the scarcity of fodder, and it is that so far as the prices of the food-stuff and wages of men are concerned, there has not been any material change in the situation.

The Honourable Sardár COOPOOSWAMY VIZIARUNGUM MOODLIAR said :—Your Excellency,—As much has already been said by the honourable members who spoke before

me about the budget, I shall confine myself to general observations on the administration. But before doing so, I must not forget to congratulate the Honourable Finance Member for his labours and wisdom in the preparation of this year's successful Budget.

Your Excellency's thorough knowledge and wide experience in all branches of the administration have enabled Your Excellency to master the different problems and to make due provision for whatever was found wanting in any of the branches of the administration.

Education has received a sufficient share of Government support, which is illustrated in the annual increase in the number of new schools, proper housing and accommodation for them, and in the increase of pay of the low-paid teachers.

Agriculture which is rightly considered to be the back-bone of the country, has received Your Excellency's warm support, and every year large grants are made in the budget for the advancement of agriculture. The foundation of the Agricultural College at Poona, agricultural schools for the sons of agriculturists, the establishment of co-operative credit societies, the Agricultural Associations in the different districts, all these mark the amount of interest, support, and encouragement extended by Your Excellency to agriculture.

Science and commerce had their share of Your Excellency's support, as will be seen from the establishment of scientific laboratories and the College of Commerce.

Medical relief and medical science bear ample testimony of Your Excellency's care, love and sympathy for the suffering poor, as a number of hospitals and dispensaries have sprung up in so many places, new buildings for the unfortunate lepers and the lunatics have been provided, and they have been removed from their less commodious quarters in the city.

Thus every Department has received Your Excellency's due consideration and support.

The Poona City Municipality which was labouring for the last 20 years for an efficient drainage and water-supply and which was considered quite beyond its means, although their necessity was urgent, have now come within its reach. All this is due to Your Excellency's sympathetic feelings and kind considerations. We hope, that in future, Government will continue the same policy and deserve the blessings of the public.

Besides, in appreciation of the work of Officers of the several departments, titles and gifts are annually bestowed by Your Excellency, which is a very great encouragement and inducement to them to do good and loyal service to the State.

So far everything is quite satisfactory. But the present outlook is very gloomy indeed and casts a deep shadow over everything. Nearly a month and-a-half of the rainy season has gone without any rain. The Kharif crop which ought to reach half its growth by this time, has not yet been sown. The price of fodder for cattle has risen abnormally high. Rs. 30 for a 100 bundles of Karbi was never heard of before, this means three bundles for a rupee, which is insufficient food for one working bullock. A poor cultivator is supposed to have two head of cattle at least, if not more. How is he to feed them? Thus hundreds of cattle find their way to the slaughter house. It is our earnest hope and prayer that we may soon have plenty of rain, and that at least the later Rabi would be a bumper crop, so that, it would in a measure compensate for the failure of the first.

Should Government in the meantime be pleased to relieve the Rayats of their present distress or even alleviate their sufferings to a certain extent, they would ever be indebted to Government and shower everlasting blessings on them.

The Honourable Sardár DAVAR KAIKHOSRO EDALJI MODI said :—Your Excellency,—I have to join my voice in harmony with what has already been spoken. This is the last budget during the term of Your Excellency's tenure as Governor and it presents the same satisfactory features that have characterised two previous budgets. All these budgets have been very satisfactorily framed and successfully worked. There is no reason for any complaint. If there has been any complaint Your Excellency has tried to remove it. There is no doubt that non-official members would like to be associated more and more in the preparation of the budget, but it is not practicable or advisable to appoint a permanent standing finance committee, the bulk of probable members would be found to reside in different distant districts and they cannot be brought easily to the head-quarters. The present arrangement of preparing the budget is a satisfactory one. The proposals were considered by a Finance Committee and the present arrangement had caused satisfaction. It is necessary that the officials should have an *effective* voice in the preparation of the budget. The officials who know the wants and requirements of every district could not be kept in the back ground. Their experience should prove very valuable in the preparation of estimates. It is natural that non-official members may desire a larger voice in the preparation of the budget, but I submit that day will be very distant when larger powers could be given to them. I think no case has been made out in favour of Sir PHEROZESHAN's proposal. The Finance Member has always given careful and sympathetic consideration to the proposals of non-official members for larger expenditure on particular heads that they might have advocated.

The Honourable Sir RICHARD LAMB, replying on the debate, said :—Your Excellency,—It will be quite impossible for me to attempt to reply, within the half-hour which is allotted to me, to all the points which have been referred to by various honourable members who have spoken in this debate. I shall therefore have to select only such as appear to be capable of being dealt with very briefly in the time at my disposal. I will first of all assure my friend the Honourable Mr. FAZULBHOY CURRIMBHOY that the Panchayat Bill is still under consideration. I have the honour of being in charge of that Bill and I share my honourable friend's regret that it is not yet ready to present to the Council. At the present moment the clauses of the Bill which deal with judicial powers which may perhaps be vested in Panchayats are under the consideration of my honourable colleague Mr. Chaubal, and when I have received the benefit of his advice as to judicial matters I hope to be able to get along with the Bill. It will, however, take some time yet. The Honourable Mr. FAZULBHOY also referred to the Viramgám customs line, and I am glad to be able to assure him that this also is not escaping the attention of Government. I cannot say more on this occasion than that the deliberations and discussions which have taken place on the matter have been referred to the Government of India. As regards the Bombay-Sind Railway that also is a question which is hardly capable of being referred to in this Council, because, as His Excellency pointed out, railways are not within our province to deal with. So much I may say—that the cost of construction of that portion of the line which is likely to prove a commercial success is being examined, and that portion may be undertaken. Some remarks were made on the desirability of providing a women's

colleges; on that point I cannot say any more at present than that my honourable colleague in charge of the Education Department is examining the question and will not allow it to fall out of sight.

The Honourable LALUBHAI SAMALDAS referred to some action recently taken in Madras for the encouragement of afforestation or the growth of timber on waste lands and roadsides. We have been doing a good deal in that direction in this Presidency also. The preservation of trees has under a scheme devised by the Honourable Mr. ORR made very great advances in the Kolába and Thána Districts, and in Kolába we have also issued regulations regarding the growth and protection of trees. Quite recently I had the pleasure of passing orders for the reduction of the assessment of certain Survey numbers, as a reward to the occupant for the care taken of trees. That is a policy we have adopted, and which we shall continue. As regards the Déccan, it is true we have not done so much, except that instructions have been issued with regard to the areas which have been removed from the charge of the Forest Department to that of the Revenue Department. Instructions have been issued that it is the duty of the latter to maintain and foster the growth of trees in these forests. In Khándesh a good deal has been done. The good work was commenced under the Collectorship of Mr. LIONEL ASHBURNER and the work is being continued under the direction of the present Collector, Mr. SIMCOX. In the matter of the encouragement of the growth of trees on private lands and also in the matter of the systematic and scientific planting of trees on roadsides, I do not know whether we can take anything from Madras which will be of benefit, but I will examine the whole question.

As regards the procedure for the preparation and examination of the Budget, I do not feel that I am called upon to follow the Honourable Sir PHEROZESHAH MEHTA in going into this question at present. It appears to me that so large a question as this, *viz.*, an alteration in the rules and regulations which have been published under the Indian Councils Act of 1909 is not a proposal which can be taken up as an incidental question in the discussion of the Budget. But I may observe that the idea of a Standing Committee of non-official members examining the Budget, as it is prepared in the Accountant General's office and the Finance Department of the Secretariat, is totally impracticable and totally without precedent in any country in the world.

I am glad to observe that several honourable members have taken advantage of the suggestion I made yesterday, that ideas might be put forward now as regards the preparation of next year's Budget. I should be glad if I could give a little more hope that these suggestions will carry effect in the preparation of the next year's Budget, but I am sorry to say for the most part they do not appear to be of a character which can be embodied in the Budget. The Honourable Sir IBRAHIM RAHIMTOOLA referred to the provision for the Prince of Wales Museum. I have not been able to get the papers to look up what has been done in the matter, so I speak from memory and am open to correction, but I believe the attitude taken up by Government is this: Out of the total cost of the scheme it is not proper that Government should bear more than a certain proportion and when that proportion has been reached, whether by contributions of Government in cash or by reduction of the charges for establishment and plant, then no further contribution is proposed to be made by Government, and if the charges for establishment, tools and plant exceed the amount which Government pay as part of their contribution, the excess will have to be paid by the Trustees of the Museum. The

Honourable the Chief of Ichalkaranji has referred to the bridge at Pandharpur. At present I do not know in the least what has been done about the bridge, but I understood him to say contributions had been collected and some sort of indication had been given that it would be taken up by Government. I will see what is on record and what it is possible for the Public Works Department to do.

The Honourable Mr. HARCHANDRAI VISHINDAS referred to Sind and hoped that although on this occasion it was not possible to separate revenue and expenditure for Sind it might be done on a future occasion. That is to me a proposal which is eminently distasteful. It appears to me to support the idea that Sind is a separate unit which may be regarded as apart and different from the Presidency. I look upon Sind as an integral part of the Presidency, and it would not be right or desirable to earmark separately the revenue and expenditure from that part of the Presidency. I do not think any question has arisen from Gujarát that the revenue and expenditure of the five districts there should be earmarked off, or from the ten Marátha districts or the four Kánarese districts, and I do not think it is at all desirable that the six districts in Sind should be earmarked separately in this way. Apart from the undesirability of the proposal the mere endeavour to carry out this idea would be full of difficulty. It would be easy to put down expenditure in the province of Sind itself, but how much of the expense of the Presidency itself is to be debited to Sind? Sind is part of the presidency and a portion of the cost of Government would have to be debited to it. There are several officers—the Surgeon-General, the Director of Public Instruction, and others—who exercise authority and work in Sind. How much of their pay and the cost of their establishments is to be debited to Sind? The thing is impracticable, and even if practicable, it is undesirable.

The Honourable Mr. RODDA referred to the necessity of raising the remuneration of the subordinate services in the Revenue and Judicial Departments. He seems to have overlooked the provision in this year's Budget of Rs. 48,000 on account of subordinates in the Revenue Department, and Rs. 25,000 on account of subordinate judicial services. Thus already three quarters of a lách of rupees has been voted for the improvement of the pay of these subordinate officers. At the moment I cannot say whether this represents the total cost or is only for a portion of the year, but at any rate the amount has been included in the Budget.

Then the Honourable Mr. BELVI referred to the Mámlatdárs. I presume he is not aware that quite recently the scale of pay and grading of Mámlatdárs was thoroughly discussed and was referred to the Government of India. The Government of India orders have been received and the grading has been improved. The cost of this provision was included in last year's Budget. We shall not be able at present to improve any further the pay of Mámlatdárs. We have already done as much as we can with the approval of the Government of India.

He referred also to Deputy Collectors. This question has also recently been under consideration, and at the time when it was resolved to amalgamate the separate lists which existed for Sind and the Presidency proper, the question of the amount of regrading which was necessary was considered and submitted to the Government of India, with the result that at present it is not possible to take up the question afresh. The question in regard to the Deputy Collectors has only recently been dealt with, and we cannot now do any more.

One reason put forward for taking up the question of the Deputy Collectors appears to be that recently we did something for Assistant Collectors, and the Honourable Mr. PAREKH said that it followed as a matter of logic that as Government did something for Assistant Collectors they should do something for Deputy Collectors. This is a sort of logic which I am unable to follow. In the case of Assistant Collectors there was a serious block in their prospects, and it was impossible for them to obtain a reasonable situation in the service without excessive lapse of time, hence the Government's provision for them. The Deputy Collectors we did not find in such difficulties, and although we made some small alterations in the grading, it does not follow that because we found particular circumstances in the case of Assistant Collectors and no such circumstances in the case of Deputy Collectors, we must do the same for the Deputy Collectors as for the Assistant Collectors.

The Honourable Mr. BELVI referred also to *kulkarnis*. I regret to have to repeat what I have more than once stated in this Council, but the fact is we cannot undertake the improvement of the remuneration of the hereditary village accountant until we can be satisfied we are getting good men to fill the vacancies. I have often said the *watandár* system stands in the way. We cannot at present secure good village accountants, partly because the representative *watandárs* decline to serve in person and prefer to appoint deputies, and partly because their term of office is five years only and as soon as a man gets into the work he has to give it up. We therefore cannot undertake to improve the remuneration until we have improved the system. I have suggested on previous occasions that if Honourable Members can suggest some method of dealing with the hereditary *watandárs*, some method by which we could secure good service, we should be glad to improve their remuneration. Up to date we have received no suggestion. The question is still under consideration, and until I can get a suggestion as to how to deal with this old and effete system I can do nothing to improve the remuneration of *kulkarnis*.

Mr. BELVI referred to the enhanced fees in secondary schools, and he said the proceeds of this enhancement came to the paltry sum of Rs. 36,000. He represented this as paltry to the Government, but to those who had to pay an excessively heavy burden. His argument strikes me as an inverted representation of the case. Thirty-six thousand rupees distributed among a large number of people represents the payment by each person of quite a small sum, but when it comes into the coffers of Government my financial mind is such that I do not regard it as a paltry sum at all. I am very glad to get it, and I don't think it would be at all wise or could be regarded as consistent administration for Government to discard next year a scheme which has been introduced only this year. At least it must be given a fair trial, and I am therefore unable to accept the suggestion.

Then again as regards the police, my honourable friend had much to say regarding the very large expense under this head, and he suggested that we might very well reduce expenditure on district police and increase it on village police. That idea appears to show a certain lack of proportion. In the conditions prevailing in former days, the village police may have conceivably been sufficient for their purpose, but I do not think that in modern times, when communications and Railways are extended all over India and crime passes from province to province with the greatest facility, any responsible Government could, to any large extent, deal with organised crime by means of village police. It is absolutely necessary that there should be Presidency police capable of dealing with large crime, and if the cost is great it is one which has to be incurred, because if we get men who are inferior for the work they have to do they may do a great amount of harm.

It is necessary to have men of good quality, and to get them we must pay good money. The necessity for paying the police better has been supported very strongly, no doubt quite unconsciously, by the Honourable Mr. PAREKH, who also held forth on the enormous expense we are incurring on the police, and he read extracts from the report on the Police by the Commissioner of the Northern Division pointing out that in 1907, 1908 and 1909 the Commissioner found that there was a serious lack of efficiency in the police work. These years were years in which the re-organisation of the police had not come into force in the Gujarát Districts. It is only since 1909 that the re-organisation first began to be brought into effect in those districts, and if it was the case that previous to the re-organisation the police were so inferior it was at least a good ground for doing something by re-organisation to improve that condition.

I might speak more on the subject, but I pass to another question raised, which has a direct connection with the Budget, and that is famine. When I included in my speech yesterday some remarks as to the resisting power of the rayat, I was not aware that the Honourable Mr. KARANDIKAR was going to make some observations in an exactly opposite sense. I maintain that the resisting power of the rayat has shown itself to be good, and that this saved us from formally declaring famine in the past year in a great number of districts. If there had been no greater resisting power in the rayat in the last year than in 1900, we should have had to declare famine in at last 12 and perhaps in 15 districts. As a matter of fact we declared it in only one, and that district was not occupied by ordinary rayats, but by a "jungly" and unsettled population. As regards the general situation and condition of the rayats, I find in to-day's *Times of India* a quotation from the official report of the Vankánir State: "The people who would ordinarily feel the pinch of famine first are the labouring classes, but their condition having greatly improved during the past decade they do not experience any distress except that they have to spend some part of their savings. They get plenty of work, and their wages have not been affected to any appreciable degree. There have been no cases of emaciation, starvation, or of aimless wandering among any class of the people. There were only a few cases of destitute people, whose number can be counted on the fingers, who required to be looked after by the State. For such people provision has been made. As regards the cultivators, most of them did not require any material help from the State. The distress among cattle, though very great, is far less than that in the last famine relief." Those are words quoted as regards a native State in Káthiáwár, but I hold that they apply throughout the whole Presidency, and I maintain that the resisting power of the rayat has been shown to be in this year what I described yesterday. The Honourable Mr. BELVI took a very depressing view of the effect on our Budget of an unfavourable year. He said, so far as I can remember, that if the year proved to be a bad one our Budget would be entirely upset, and the discussion of our views would have been a sheer waste of time. Apparently he conceived that if once a bad year came our finance would break down. I do not take that view at all. I must say that "the menace of the year finds and shall find me unafraid", and my reasons for not being afraid are first the resisting power of the rayat, second the fact that we have at our credit with the Government of India a sum which I suppose is something like 65 lakhs of rupees to meet direct expenditure on famine, and third for indirect expenditure we have our own balance of 60 lakhs, which is three times the prescribed minimum. Further, we have framed our Budget in such a way that we can, if required, reduce our expenditure on certain heads so as to provide for

indirect expenditure. Even if the year were one of the worst and there was a complete failure of the rains throughout the Presidency, we have the power to borrow from the Government of India to maintain the administration of the Presidency, and we have their definite undertaking that in case of extreme calamity our financial relations shall be re-adjusted and they will let us down lightly. If it be a moderately bad year we shall win through, I hope, without upsetting our finances; if it be a bad year, we shall have to economise, but without I think throwing our Budget out of order. If it be an extremely bad year we know we shall be able to arrange with the Government of India for means to deal with that calamity.

The Honourable Mr. LALLUBHAI SAMALDAS referred to the possibility of the re-examination of tasks and the giving of discretion to Collectors in the matter of tasks under the Famine Code. That has already been done in the Panch Maháls. During the current year, when the Collector reported to Government on the question of declaring famine, the question of tasks was fully discussed and discretion was given to him under certain restrictions to reduce the tasks. Similarly if famine had to be declared in Ahmedabad, Kaira, and other districts we should not expect a too great inflexibility in the application of the Famine Code, and we should consider whether the local conditions did not justify a departure from the exact prescriptions of the Famine Code. The Honourable Mr. GARUD referred to the class of famine works. He must have overlooked the fact that since 1899-1900 we have prepared and have kept up to date year by year a famine programme for each district. We have engaged special officers to survey tracts for famine works and prepare lists of relief works in every district. There is a famine relief programme for public works and village works which is examined every year, and comes up every year to Government for sanction, and provision is made so far as possible that these works shall be useful and will not result in piling up big mounds of metal which no one will ever use.

The question of fodder operations has come under notice. I am glad to inform the Honourable Mr. LALLUBHAI that his suggestion about a conference is one which has already occurred to me. The result of communications between myself, the Agents of the railways, the Honourable Mr. MILLETT, and the Commissioner of the Northern Division, is that a conference will be held at Ahmedabad in the course of next month between Mr. MILLETT, the Commissioner, the railway companies, and the Collectors of the districts concerned. That has already been arranged. I do not doubt that the conclusions they may arrive at will be of very great assistance to us. I am bound to confess I do not think we have been quite as thorough in our fodder operations this year as conceivably we might have been, partly because of a want of co-operation between charitable funds, the railways and Government. That is to say, things were taken up as they came along. Nothing was arranged beforehand as to the exact sphere of work to be allotted to, and the method of co-operation between charitable funds, the railways and Government, with the result that the railways were getting demands from Government, charitable funds, and private importers to carry grass. It was difficult to deal with all these demands. They were harassed by demands for the carriage of coal as well, but at any rate they did their best to deal with demands for carrying grass from three sources at once. I hope the conference will be able to devise some means by which this demand for transport, which is perhaps the most important of the whole series of points to be considered, will be met, and also that the conference may be able to devise some means by which the railways can get the demands

for transport of grass coming in under a regular and a systematised method. The charitable funds have worked with the greatest cordiality with the district officers, but here again their demands have not been exactly co-ordinated with those of the Collectors. One Collector has been ordering grass on his own account and has also been getting grass from charitable funds. It has been very difficult for a Collector to make out exactly how far his demands are being met from these various sources. If next year should turn out to be a bad one for fodder, it will be necessary to do as we did in 1899-1900 and put an officer of experience on special duty in connection with grass operations. This year we did not detach the Senior Conservator, and he has had to do all this fodder work in addition to his ordinary duties. Next year if necessary we will take him off his ordinary duties and put him in charge of the fodder arrangements generally.

There are still one or two questions regarding general finance. The Honourable Mr. MANMOHANDAS did me the courtesy of sending me beforehand a copy of the speech he intended to read. Any honourable member who intends to read his speech will be conferring a favour on me if he sends it beforehand, so that I may see what he is going to say and look up any necessary papers on points to which he means to refer. The Honourable Mr. MANMOHANDAS referred to the general aspect of our finances. This subject is also dealt with to a great extent by the Honourable Mr. ПАВЛЕКН. Why the latter selected the year 1903-04 for the making of his comparisons is a question which is rather obscure. I have no doubt my honourable friend has made a study of the financial history of the Presidency, and if that is so he must be so well aware as I am that 1903-04 was the last year but one under the old settlement. It was the year next but one preceding the introduction of the current financial settlement. It was also the last of the bad years following the bad famine of 1899-1900. Anyone who is acquainted with the financial history of the Presidency and the terms of our financial settlement will know that in that year we had no funds. They had been completely exhausted by the big calamity of 1899-1900. We had to work on such funds as we received from the Government of India. So far as the provincial settlement was concerned we were unable to run our own show. Under such circumstances the expenses of administration had to be cut down to the lowest possible limit. No measures of improvement or development were possible in any branch—everything had to be kept running on the lines on which it had been run without attempting any advance in any direction. This is the year which my honourable friend selects as the basis of his comparison with our current expenditure. Since then the provincial settlement has been completely revised. In 1905-06 there was introduced a settlement which is regarded as a liberal one in respect of this Presidency. Since 1911 the settlement has again been revised and again we have been treated liberally by the Government of India. We have now, as compared with 1903-04 a provincial revenue which is ample for current expenditure and also for the undertaking of long deferred matters of development which are necessary in all branches of the administration, and which had to be deferred during the years preceding 1904-05. That being so, it appears to me that a just and accurate comparison as regards the growth of our expenditure is not made by selecting the year 1903-04 and the year 1912-13. I think in comparing the expenditure of these two years my honourable friend ought to have allowed for the immense difference of conditions which existed between the two years. That, as I gathered from his speech, he did not do. I am perfectly free to admit that since the introduction of the settlement in 1904-05—that is to say, it was settled in 1904-05 and came into operation in 1905-06—

undoubtedly our expenditure has increased very considerably. What I maintain is that it has not increased out of proper ratio to the growth of our revenue; that although our expenditure has increased it has not increased out of proportion to the increase of our revenue. I am bound to say that I should regard it as very bad finance if we did increase our expenditure in undue proportion to our revenue, and that I should look upon it as equally bad finance to hold back our expenditure below the growth of our revenue. I do not think there is any call upon any Government to pile up balances of revenue unutilised when there are many works and branches of the administration requiring expenditure. I think with these remarks it becomes unnecessary for me to look at all closely into the figures which the Honourable Mr. PABEKH gave relating to various heads of expenditure, *viz.*, the Revenue Department, Excise and Forests. He referred also to Land Records as a revenue-earning department. I do not regard it as a revenue-earning department of the administration. Collections are made by the revenue establishment on the land records, but the Land Records Department has nothing to do with the collection of revenue. Their principal business is to prepare and maintain the Record of Rights—that is a very useful thing, but it is not a paying thing, it does not bring us any revenue.

As regards forests, once more to repeat myself, we have to expend on forests a considerable amount of money because considerable areas of the forests are undeveloped. We have as managers of estates to spend money on developing our estates. Several areas which contain valuable material are as yet unorganised and require the preparation of working plans. The work proceeds steadily, not quite as fast as I should like, but it does proceed, and by degrees we are bringing under organised working plans all the developed property we possess, and we are going on developing the undeveloped areas. While this process is going on, it is inevitable that there should be a heavy percentage of expenditure in relation to revenue. It would be a great mistake to neglect to develop those areas, which will be a source of increased revenue in the future. Further, in a consideration of the expenditure on forests we must keep in view the assets which we derive from our forests which do not appear in our returns, and which do not appear in our columns in cash. We must consider the value of the produce which is removed from the forests by the people without payment, and we should not fail to consider the valuable service which the department renders by conserving for the people the produce of the forests, which otherwise would be recklessly wasted by the people.

Then there is one more small point to which I would refer, and that is in reference to the contrast made by the Honourable Mr. MANMOHANDAS between the growth in the expenditure on the Medical Department and that on Civil Works. My honourable friend appears to overlook the fact that civil works are not a department by themselves. They include works for different administrative departments of Government. When therefore he talks of the increasing expenditure on civil works he is complaining of increased expenditure on works for sanitation, education, police, and other general administrative purposes. The Public Works budget this year includes not less than Rs. 6,92,000 which are for medical and sanitary works and for works for drainage and water-supply, and that budget includes in addition Rs. 2,39,000 under the heading medical. Thus the civil works expenditure includes over nine lakhs of rupees for medical and sanitation, and there is in addition Rs. 3,74,000 for education. Therefore, to complain of the growth of civil works expenditure and contrast it with the expenditure under other heads is to lose

sight of the fact that civil works expenditure includes expenditures which are actually for the same objects as the expenditure under those other heads.

His Excellency the PRESIDENT said:—We have had an interesting discussion on which many minds have been brought to bear on the affairs of our Presidency, throwing light from many different sides upon our administration. Nothing but good can result from such a free expression of the views of honourable members. You may be sure that Government note those views and are ready to adopt them when they accord with reason and are practicable.

I am glad to gather that the general progress of the Presidency is admitted on all sides and I hope that honourable members who see that progress will never lose an opportunity of contradicting the miserable statements of decay and ruin which one too frequently comes across. It is a fact that we are moving, and moving far and fast. If, as the Honourable Mr. KARANDIKAR and the Honourable Mr. BELVI have pointed out, there is a reverse to the picture in the loss of cattle, which we all deplore, that is not in our power wholly to prevent. The work that has been done to save cattle by private efforts and by Government servants, in spite of some minor defects, has been altogether admirable, and I am sure that this Council recognises the sterling value of this work and its beneficent results in minimising loss. We are, and we must, be largely dependent on a somewhat capricious rainfall. All that Government can do is to be fully prepared to deal promptly and adequately with famine and to press forward such irrigation works as are practicable. Honourable members will have learned with satisfaction that the work of the Nira Right Bank Canal has been sanctioned by the Secretary of State at the earnest desire of this Government. The carrying out of this project will employ much labour, and it will revolutionise the agricultural conditions over a considerable area of the Deccan. I trust that another great project of the same kind, the Gokák scheme, will be sanctioned and begun in the time of my successor. Thus only can we counteract the deficiencies of rainfall, which are occasionally inevitable.

My honourable colleague has dealt with many of the speeches to which we have listened, and I will mention but a few points only. The Honourable Mr. FAZALBHOY CHERRIMBHOY referred to several matters in which I am deeply interested. I hope that the Village Pancháyat Bill may be laid before this Council in September. I need not tell honourable members who are students of history that Village Pancháyats were never universal in this Presidency. The Bill must, therefore, be a tentative experiment in the direction of restoring a form of village Government which was never more than partial. The experiment will be very interesting, and it may lead to useful developments.

The Maritime States of Káthiáwár have made proposals which will enable the Virangám's customs to be abolished, and Government have strongly advocated these proposals. There is a possibility, that I may live officially to see the abolition of that most inconvenient anachronism. I earnestly trust it may be so.

I agree with what the Honourable Mr. FAZULBHOY and the Honourable Dr. NARIMAN said about the education of girls. I have often pointed out that by educating the girls we shall indirectly give a great impulse to the education of boys. I do not think that Government can be accused of neglecting the girls, though if our resources permitted we should like to do more for them. It is my opinion that the time has come for the

establishment of a Ladies' Art College in Bombay, and I believe that such an institution will soon become an accomplished fact.

With the exception of Mr. BELVI, who has forgotten the new scholarships provided in the Government High Schools, I think that Honourable Members generally realise the great advances which have been made in education, and especially in primary education. The loud demand for the latter was only beginning when I came to India, but in the last five years Government has advanced with record speed in spreading education among the masses. The Budget for 1907-08 provided Rs. 15,30,149 for primary education. The current Budget provides Rs. 29,56,868, an increase of Rs. 14,26,719. In the same period, the total Provincial Expenditure on education has risen from Rs. 44,90,110 to Rs. 66,35,516, an increase of Rs. 21,45,406. In these five years we have provided for 2,422 additional primary schools, an average of nearly 500 a year; but for reasons which are well-known, it is not possible to make fixed annual increments. I do not think there is any serious difference between the views of the Honourable Dr. NARIMAN and the Honourable Sir IBRAHIM RAHIMTOOLA. Both would agree that universal provision of the best kind for the medical services and for education is desirable, and that is what Government wishes they were in a position to make. Sir IBRAHIM RAHIMTOOLA says in effect: "Make all the medical and sanitary advances that you can, but do not do it at the expense of education." Unfortunately, Government has only one purse, and it is not filled to repletion. If, therefore, we decide to build a bridge urgently needed by the people of a district it may be said in a sense that we are robbing education. Dr. NARIMAN, on the other hand, points out with perfect truth that the public demand as expressed in speech and writing is much louder on behalf of the educational than of the medical services, and he bids us not to be carried away too far by this demand. Well, gentlemen, we are trying to preserve an even balance of judgment and if we take the Honourable Mr. MANMOHANDAS RAMJI's figures we have for the past five years made an increase of 132 per cent. on education and 126 per cent. on medical services. I hope that honourable members will agree that we have not done badly as regards both of these very important public requirements.

The Honourable RAO Bahádur RODDA calls our attention to the need for increasing salaries in the lower branches of the administration. I am sure that he is not unmindful of the fact that we have done a good deal, and are doing more, for the Educational Department, and we have not neglected some other branches of the administration. I must point out, however, that all such measures increase the percentages to which the Honourable Mr. MANMOHANDAS and the Honourable Mr. GOKUL DAS PAREKH have referred. We cannot secure incompatible advantages.

I note the remarks of Honourable Sir PHEROZESHAH MENTA and assure him that we wish the influence of non-official members to be brought to bear on our Budget, but I suggest in the most friendly spirit possible that he has not taken full advantage of the opportunities he already possesses. Budgets are very like each other, and if he had mastered the Budget of last year he would not have found much difficulty in discussing that of this year, especially if he had been able to be present at the meeting of the Standing Committee. Then he has the opportunity of moving Resolutions at our next meeting here in September. If he notices any tendencies in this Budget, of which he disapproves he can make them the subject of Resolutions which the Council and Government can duly consider when preparing next year's Budget.

I concur entirely with what my honourable colleague Sir RICHARD LAMB has said about the prospects of this year. I trust honourable members will not give way to discouragement and despair, for which there are no adequate grounds at present. Years in which the June rainfall was largely in defect have proved good years in the past. May it prove so this year. We must remember that these matters lie in higher hands than ours. All that Government can do is to be fully prepared, financially and otherwise, to deal with an emergency, and I can assure this Council that we are so prepared.

**BILL NO. VII OF 1912 (A BILL FURTHER TO AMEND THE CITY
OF BOMBAY IMPROVEMENT ACT, 1898).**

His Excellency the PRESIDENT said :—Before calling upon my honourable colleague Mr. CHAUBAL, to move the first reading of the Bill further to amend the City of Bombay Improvement Trust Act of 1898, I am obliged to rule out of order the amendment which stands in the name of the Honourable Sir PHEROZESHAH MEHTA. We have before us an amending Bill only. It is clearly impossible to permit an amendment, not to this Bill only or to anything the Bill contains, but to the original Act. Further, the amendment is one which would revolutionise the constitution of the Improvement Trust and almost transform it into a committee of the Municipal Corporation. That might be a good thing or a bad thing; but it conflicts violently with the expressed intentions of the Government of Bombay, the Government of India, and the Secretary of State when the original Improvement Trust Bill became law. The question of order now raised has been decided on a previous occasion in 1909, when a general amending Bill, which included the Improvement Trust Act in its scope, was before this Council. On that occasion the Honourable Sir PHEROZESHAH MEHTA asked this very pertinent question. "There is," he said, "a certain amendment proposed to a portion of the City of Bombay Municipal Act. Does that lay open the whole of the Municipal Act for amendment?" The ruling of the President, Sir JOHN MUTR MACKENZIE, was emphatically expressed in the words, "Certainly not." That ruling was in my opinion perfectly sound, and I am obliged to repeat it today. It is, of course, open to the honourable member to proceed towards the attainment of his objects by resolution in this Council or by bringing in a private Bill.

The Honourable Sir PHEROZESHAH MEHTA :—Will your Excellency permit me to cite other rulings on the question?

His Excellency the PRESIDENT :—I should be very glad if you would send them to me privately, but I am afraid you cannot discuss and argue with the President on this occasion.

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—I beg to move the

<p>The Honourable Mr. M. B. CHAUBAL moves the first reading of a Bill further to amend the City of Bombay Improvement Act, 1898.</p>	<p>first reading of Bill No. VII of 1912—a Bill further to amend the City of Bombay Improvement Act, 1898.</p>
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The subject of the amendment of this Act has been before Government practically since 1904 and before this Council from 1907. Bill No. II of 1907 for the purpose was actually moved in this Council by Sir Edmund Fulton in March

1907 and was read for the first time on the 22nd of June 1907 by Sir Steyning Edgerley and referred to a Select Committee. In the course of the discussions in the Select Committee so many radical alterations were suggested and fresh provisions introduced, that the Bill became to all intents and purposes a new Bill which, if it had been proceeded with, would probably have required to be reintroduced in the Council and submitted afresh for the first reading. It appears that the majority of the Select Committee finally agreed to a draft of the Bill upon the condition that this Government obtained financial assistance for the Trust from the Government of India amounting in one way or another to a crore of rupees. It was, however, useless in the then condition of the Government of India's finances to appeal to that Government for such assistance with any hope of success. Thus the basis of the agreement with the majority of the Select Committee broke down and that Bill was in consequence withdrawn by Sir John Jenkins at a meeting of this Council on the 21st of June 1909.

The result of this withdrawal was that along with the provisions which may have been contentious, the amendment of the Act in those respects in which it was urgently required for the ordinary and efficient working of the Trust's operations also fell through.

In June 1909 however, a little before the withdrawal of the Bill Government had issued a resolution setting out the lines on which they wished to see the development of Bombay City carried out; and in this resolution Government intimated that they were prepared to take such measures (a) *in the nature of legislation* and (b) *in the direction of furnishing assistance to the Trust's finances*, as might be calculated to enable the Trust to press forward vigorously such of the measures suggested by Government for the development of Bombay City as lay within the scope of their operations.

In accordance with the invitation contained in this resolution the Trust after some correspondence as to how far the Trust were prepared to follow Government's programme for the development of Bombay applied early in January 1910 for *legislative* assistance representing that the amendment of the Act in respect of some points was urgently required in order to remove certain disabilities which seriously hampered the Board in their daily business transactions, or unduly restricted the sphere of their utility. These points had all been incorporated in the draft Bill No. II of 1907 and the Trust now in their application dealt with them seriatim and explained which amendments were required.

On this application, by November 1910, a first draft of the amendment bill prepared on the lines suggested by the Trust was ready, and on full consideration of the Trust's comments and those of the Municipal Commissioner thereon a revised draft was prepared in February 1911. In the meanwhile Government were anxious to ascertain the exact condition of the Trust's finances and had for this purpose in December 1907 addressed the Board calling for a clear statement of the financial position of the Board, and for a definite programme of its work, which Government considered essential to have before them before a case could be made out for further state aid. It was not, however, until November 1910 that Government received a clear exposition of the financial resources of the Trust contained in a lucid note on the subject prepared by the Chairman of the Board, the Honourable Mr. J. P. OBE, C.S.I., whom Government in their resolution congratulated on this admirable piece of work which gave a terse and comprehensive view of the Trust's finances in the past and as careful a forecast of its future programme

as possible. This statement made it possible for Government to proceed to address the Government of India with the view of obtaining the financial assistance, to which, they had recognised 3 years before, that the Trust had an equitable claim. This appeal to the Government of India was very opportune on account of the large balances in their hands for the year 1910-11 and resulted in the Government of India's placing at the disposal of this Government a liberal grant of 50 lacs of rupees for payment to the Board. It was considered that this sum taken in conjunction with the assistance derived from the amendment of the Act of incorporation of the Trust would enable the Board to proceed with the programme laid down for it. The amendments of the financial clauses of the Act which Government proposed fortunately received in the main cordial support both of the Municipality and the Trust though each body made certain reservations on the subject of further assistance to the Trust.

Of the proposals for improving the Trust's finances three were provided for in the draft bill which was especially revised for the purpose in May 1911 :—

Firstly, section 72 was amended so as to require the Corporation to pay annually to the Trust a fixed proportion of their receipts under the general tax whereas now under the existing section they can pay what they like up to a maximum of 2 per cent. of Municipal assessments.

Secondly, section 79 (3) which requires the Trust to distribute their profits of any year between Government and the Municipality was proposed to be abolished.

Thirdly, in consideration of these concessions to the Trust it was proposed to abolish section 73 which entails a net contribution of something over one lac from the Corporation to the Trust.

This bill of May 1911 was sent to the Government of India and the Secretary of State for sanction in June 1911 and its introduction was sanctioned by the Government of India in August and by the Secretary of State in October subject to certain reservations.

Government meanwhile however had under consideration certain comments on the bill received from the Municipal Commissioner and the Trust in August 1911 and in October they decided to introduce into the bill certain new provisions for the benefit of the Trust and the Corporation. The bill was accordingly revised in December 1911 and finally approved by the Governor General in Council in January 1912; but as two of the new provisions involved important questions of principle, *viz.*, clause 21 abolishing the Trust's debt to Government and the Corporation and clause 19 making the Corporation the reversionary heirs of the Trust a fresh sanction had to be obtained from the Government of India and the Secretary of State and it was not until the 20th of May that the Secretary of State wired his sanction.

It will thus be seen that the present bill, though it has passed through many stages, embodies amendments on the points dealt with in the revised draft of 1911 on the Trust's application of 1910 for *legislative assistance* and the points dealt with in their application of February 1911 for *financial assistance*. But the important point for notice is to bear in mind the *exact scope* of the present bill and to note that it does not profess to be, and was never intended to be a complete substitute for the bill of 1907. As originally drafted it embodied little more than a few amendments urgently required by the Trust

out of those agreed to by the select committee in 1907 in fulfilment of Government's promise of *legislative assistance*; and later on, in fulfilment of their promise of *financial assistance*, certain clauses embodying the financial amendments agreed upon between the Trust, the Corporation and Government were added.

It may be that the Act requires more thorough revision but as the amendments desired would be of a contentious nature they have been deliberately set aside for the time being in order that there may be no further delay in introducing the amendments which are urgently required.

As it is, the delay in the introduction of the bill has made it necessary to give retrospective effect to clause 23 repealing section 9 (3) in order that the Trust may, as was contemplated when ways and means for improving the Trust's finances were under discussion between Government, the Corporation and the Trust, retain their profits for the year 1911-12 (about 2·9 lacs) instead of making them over to the Municipality.

Outside the financial clauses already referred to, the most important of the new clauses affecting the policy of the Trust are the following :—

Clause 9 which gives certain relief to owners whose property is notified for acquisition under section 27 in cases in which there is a long delay before declaration under section 29.

Clause 10 which deals with the poorer classes' accommodation schemes.

Clause 13 which enables the Board to gradually widen roads, as the Municipality do by the setback procedure.

Clause 23 which vests certain plots on the Flats absolutely in the Board and requires that the remainder should be permanently appropriated as open space for the use of the public.

Clause 33 which requires the Trust to deal only with the Bank of Bombay or some other Bank prescribed by Government.

Clause 35 which deprives the Board of their right to make further reclamation in Back Bay.

and I will now take these clauses in order and explain why the amendments have been treated as urgently required and therefore included in this bill.

Clause 9 aims at redressing a long standing grievance of owners of properties required by the Board for the purposes of their schemes.

Under section 49 (2) of the existing Act, any additional value given to a property by additions or improvements made after the date on which it may have been notified under section 27 for acquisition under a scheme, is left out of count in assessing the value of the property for the purposes of determining compensation to be paid by the Trust; but acquisition proceedings do not commence till after the date of declaration, and there has sometimes been an interval of several years between notification and declaration.

It is a serious grievance to owners that they have been kept during this long interval in a state of uncertainty as to whether their property is going to be acquired or not, while at the same time they are unable to undertake any improvement for fear of losing the capital sunk in it.

Two kinds of relief are provided by the proposed new sections 27A and 27B. In cases in which building is in progress at date of notification it is proposed to give the Collector discretionary power to require the Trust to proceed with the acquisition forthwith, and in other cases it is proposed to limit the period of uncertainty to one year by giving the owner the right to require the Trust at the end of one year from the date of notification, either to acquire the property or to definitely withdraw from acquisition. In the latter case the property cannot be again notified for another two years, and during this period the owner can safely carry out any contemplated improvements with the certainty of securing full compensation for them, should the Board decide to acquire his land after all.

It is felt that these reliefs should be given to property owners at once and cannot fairly be postponed until the complete revision of the Act is undertaken.

Clause 10.—The Board already have powers under sections 25 (3) and 31 (3) to provide accommodation for the poorer classes in connection with the schemes of the Board. It is thought that this important work may be materially stimulated if the Board are given power to co-operate with employers for the provision of accommodation for the poorer classes of employes. Just as under sections 38 to 40 of the existing Act the Board provide accommodation for the Police, building chawls for Government and ultimately recovering the cost thereof from Government in the shape of annual rent spread over a lease term of 60 years, after which the whole property becomes vested in Government; so under the proposed new sections 32 (a) to 32 (i) the Board will be empowered at the instance of employers to build chawls for their employes. On completion of the building, the employer will enter into possession of it as the Board's lessee for a term of not less than 28 and not more than 40 years at a rent calculated, so as to recoup to the Trust by the end of the term, all the capital they have sunk in the scheme, together with interest to date. The conditions of the lease will be such as to ensure that the chawls shall be used for the accommodation of the poorer classes only, at reasonably low rents, and that the investment shall be made quite secure for the Trust.

It is understood that several Mill Companies are prepared to take advantage of this scheme, as soon as the Act is amended. They will be accommodated by getting the capital at 4 per cent. from the Trust, and on the other hand the Trust will be enabled to carry out one of the main objects of the original Act, namely, to get large numbers of the poorer classes sanitarily housed, without loss of the capital sunk in the scheme: whereas hitherto they have had to keep their housing schemes within much narrower limits than was originally contemplated, because they lose heavily on all their chawls, through having to let them at lower rents than are required to ensure an annual return equal to the interest and Sinking Fund Charges on the capital expended on the chawl scheme.

There need be no limit to their chawl building schemes under the proposed sections, and in view of the large numbers of poorer classes who are at present living in grossly insanitary dwellings, it is highly desirable that there should be no further delay in making co-operative chawl schemes legally feasible. The disappearance of this part of the old bill was regretted in 1909 when it was withdrawn—but it is believed that the provisions in the present bill, adopted as they are after consultation with Sir VITHALDAS THAKERSEY whose interest in the subject is well-known, will be more acceptable to employers of labour and will be taken advantage of more readily by them.

Clause 13, set-backs.—At present the Trust's only way of improving existing means of communication and facilities for traffic is by the undertaking of a street scheme under section 30. This involves immediate acquisition long before the widening of the road is actually required for traffic purposes, and the Board thus become saddled with heavy unremunerative capital expenditure while property owners are unnecessarily disturbed. Further, the Board have to ear-mark funds for financing the whole scheme at once, and thereby cripple their resources which are more urgently required in other directions. Under the set-back procedure acquisition is spread over a considerable number of years and no very large sum is to be provided for any particular year. The Board's object is obtained if lands that will ultimately be required for broadening roads are left unacquired until their owners want to build upon them when the necessary strip can be acquired under the set-back sections, in order to escape the expense of acquiring the land after a building has been erected upon it. There are some important main roads which the Board would like to see ultimately broadened; but for want of funds they are unable to put forward an ordinary street scheme for this purpose, and until the proposed set-back procedure is legalised they have to stand helplessly by, while buildings are put up upon the strips they would like to acquire, thereby enhancing the cost of ultimate acquisition; obviously the longer the legalisation of this set-back procedure is delayed, the more the ultimate cost of the scheme is enhanced.

It is proposed to introduce a new section 40A enabling the Board to lay down their own set-back line under the ordinary procedure for street schemes and requiring the Corporation to acquire land for and at the expense of the Trust under the set-back sections of the Municipal Act, whenever the opportunity permits.

Clause 23 (1)—The Flats.—Under section 60 (2) and (5) of the Act as it now stands the Board are precluded from letting any part of the Flats for human habitation or on any but a sufferance lease and from allowing any but temporary structures to be erected thereon. The Flats consist of 14 plots of which plots A, B, C, D and N are large, while the rest are small and straggling. The special restrictions just cited are suitable enough for plots B, C and D because they were for many years the dumping ground for the city refuse, and it must be many years more before the soil can be purified: but there is no reason for applying the same restrictions to the other plots. They only depreciate them and make it difficult to dispose of them. Plot N for instance, is leased to the Western India Turf Club as a Race Course and it would yield a much better rent, if it could be leased for a long term of years so that buildings could be erected on. It is accordingly proposed to confine the restrictions to plots A, B, C and D, to permit the leasing of plot N under Government control for no more than 30 years and to vest the remaining plots absolutely in the Board.

Clause 33, Banking.—The Government of India have made it one of the conditions on which they have sanctioned the introduction of this Bill that this clause should be inserted so that Government may have the same control over the banking arrangements of the Improvement Trust as they have over those of the Port Trust. The Clause requires the Board to deposit their surplus balances with the Bank of Bombay or such other banks as Government may from time to time prescribe.

Clause 35, re reclamation in Back Bay, is inserted in pursuance of the arrangement between Government and the Improvement Trust by which the latter have agreed to

the withdrawal of their right to make further reclamations in Back Bay in order that the way may be made clear for Government to take up the new Reclamation Scheme and on condition that the Trust be made sharers with Government in the anticipated profits.

The remaining clauses of the Bill connote no change of the Board's administrative policy, but are mainly directed towards increasing the Corporation's powers, clearing up of obscurities and doubtful points in the existing Act, supplying minor omissions in the Act and removing anomalies created by defects in its wording. Most of them are sufficiently explained in the statement of objects and reasons; but a few words of further explanation on some of the more important clauses involving changes that are not merely consequential may be found helpful.

Among the clauses by which the Corporation's powers are increased are the following:—

Clause 7 provides means by which if the Improvement Trust are not pushing on with the improvement of a represented area Government can at the instance of the Corporation require them to pass a decision on the representation and even to carry out schemes which they have decided to abandon or keep in abeyance.

Clauses 8 and 11 extend to 3 months the period of 30 days now allowed to the Corporation for consideration of a Trust Scheme before the scheme can be sent up to Government by the Trust.

Amongst the clauses which clear up obscurities and remove anomalies in the existing Act are the following:—

Clause 12, re Police Accommodation Schemes.—The amendment is directed towards making the procedure for vesting the site required for a Police Accommodation Scheme in the Board more clear, and saving the Board from having to raise a loan in order to pay Government the capital value of the site when it is on Schedule C land. It is proposed that Government should merely resume the site instead of making the Board buy it under section 43 (b) and then recover the purchase money in the shape of rent. The proposed section further provides that the Municipality shall get the full market value of any land in Schedule D taken up for a Police Accommodation Scheme, and not only, as now, its original schedule value plus the capital spent by the Trust in improving it.

Clause 14.—As section 41 now stands, the Corporation are liable to surrender to the Trust for inclusion in a public street any land vested in them, even if there be a building upon it. It is recognised that they ought to get compensation for any building, and the section is therefore amended so as to limit their liability to vacant land. On the other hand, the Board will be empowered to take over from the Corporation any part of an existing public street for any of the purposes of a Trust scheme and not only for inclusion in a new street.

Clause 15 is intended to make it clear that service passages are not streets, and therefore not subject to the prescriptions of section 45 (1), but yet may be taken over by the Commissioner for maintenance at the Trust's cost, which will be a far more economical arrangement than the present system of keeping up a separate Trust establishment for the maintenance of service passages.

Clause 32.—At the request of the Corporation sections 80 to 82 are to be amended by clause 32 on the lines of sections 110 to 112 of the Calcutta Improvement Act, so as to make it clear that should Government take over the property of the Board for default, any profits they may make shall be payable to the Corporation as a set off against any sum the Corporation may have had to make good on account of such default.

The following are the chief clauses which supply omissions in the existing Act:—

Clause 17 empowers the President of the Tribunal of Appeal to try and decide points of law and procedure in the absence of the Assessors. This will result in some saving of time to the Assessors and some saving of cost to the Trust. I may be permitted to add that a point mentioned in the papers about the want of power in the Tribunal to enforce the attendance of witnesses has not escaped the attention of Government and care will be taken to insert a provision to that effect in the Bill as it will next come before you from the Select Committee.

Clause 20 amends section 53 by giving Government power to prescribe not only the manner of raising a loan but the time at which it may be raised.

Clause 22.—The Trust debentures are depreciated for want of a provision in the Act authorising payment of interest to the survivor of joint debenture holders and making the receipt of any one of several joint holders valid in the absence of any objection by the others. Clause 22 supplies this want.

Clause 23, sub-clauses (4) and (6).—Instances have occurred in which it was considered desirable either to exchange or acquire under the Land Acquisition Act lands vested in the Trust under Schedules C and D of the Act; but difficulty was experienced in affecting the consequential adjustment of the statutory liabilities of the Board owing to the lack of any legal provision for modifying Schedules C and D. It is proposed by Clause 23 (4) to supply this deficiency and to empower the Board to hold lands other than those shown in the original schedules that may be transferred to them by Government or the Corporation on the same terms as the original schedule lands. By Clause 23 (6), it is proposed to empower Government to alter mistaken entries in the schedules and deposited plans. Many of the Trust's practical difficulties in disposing of the lands in question will be removed by these new provisions particularly those difficulties which arise from the intermixture of scheduled lands with other lands acquired by the Trust, because it is impossible to sell, as a single building site, a plot of which different parts are to be held on different tenures.

Clause 26.—Under section 76 all receipts by the Board except sale proceeds, have to be credited to the General Account. It was doubtless not anticipated, when the Act was framed, that it would be found desirable not to sell lands, but to lease them for 999 years; and to accept lump sums in composition of the 999 years rents. The Board have however, long since adopted this policy, because the outright sale of land leaves them with no such power of control over the houses subsequently built, as they secure by certain clauses in their leases which give them ample sanitary control over these buildings. Had the Board accepted lump sums in composition of rents, those sums would under section 76 have been credited to the General Account, and there would consequently have been every year huge surpluses

which under section 79 would have been paid over to the Municipality, leaving the Trust very few sources of revenue from which to meet the annual interest and Sinking Fund charges upon their debentures. This difficulty will now be met by the proposed amendment of section 64 embodied in clause 26 which enlarges the category of receipts that may be credited to the Capital instead of the General Account; and includes therein premia levied on the granting of leases and sums paid in composition of rent.

Pending amendment of the Act, the Board have had to refuse to accept sums in composition of rent: but for the past 7 years they have inserted in their leases a clause by which such composition sums may be paid by the lessees, as soon as the Act is amended.

I have now dealt with all the important clauses in the Bill. The only clauses I have not dealt with are a few non-contentious clauses of small importance borrowed from the original Bill at the request of the Trust, *e.g.* clauses 2 to 6, 23 (2) etc., and a number of clauses embodying amendments consequential on some of those I have dealt with, *e. g.* clauses 16, 18, 21, 23 (5), 24, 25, 30 etc.

I may perhaps draw special attention to clause 18 (3) which is consequential on the abolition of the Board's debt. When schedule land is resumed the capital the Trust have spent in improving it is now made good to them by a reduction in the amount of their capital debt on which they pay 3 per cent. interest to Government or the Municipality. When the debt is abolished the capital spent in improvements must be made good by cash payment and clause 18 (3) provides accordingly.

I now formally move that Bill No. VII of 1912, a Bill further to amend the City of Bombay Improvement Act, 1898, be read for the first time.

The Honourable Sir PHEROZESHAH M. MEHTA said:—May it please Your Excellency,—In rising to offer my observations on the first reading of this Bill, I confess I heard with astonishment the speech made by the Honourable Member in charge of it. Your Excellency, I cannot help firmly but respectfully complaining bitterly of the treatment which, as set forth by the Honourable Member himself, has been accorded to the Municipal Corporation of the City of Bombay in regard to the preparation of this Bill. From the account given by the Honourable Member of the way in which the amending Bill was prepared, it was perfectly clear that everybody who has anything to do with it—the Improvement Trust, Government and even the Municipal Commissioner,—has been over and over again consulted in the preparation and revision of the Bill. But the Corporation, which has most to do with it, has been left out of account except in regard to the question of financial readjustment. Your Excellency,—so far as this Improvement Trust Act Amending Bill is concerned, the Corporation, and the Corporation above all, is the body which is most intensely and actively interested in it. That is the body which supplies not only the sinews of war, but is also responsible not only for the legitimate financial operations of the Board but even for its blunders and errors. For, Your Excellency, under what are called the bludgeon clauses of the Act, it is the Corporation which makes good any deficiency or failure of the Improvement Trust in making necessary payments to the people entitled to them. It is, therefore, the Corporation which is the body most vitally interested in the matter. I bitterly complain that in the preparation and revision of the Bill,

everybody even those who were least interested in it were consulted, and it was the Corporation and the Corporation alone that was left out of account.

Now, Your Excellency,—what is the position which the Municipal Corporation occupies in this matter? But before I go to that point I cannot help making one further remark, and it is that the Corporation has been treated in the apportionment of powers and burdens as Prince Hal described Falstaff's meal of bread and sack—the tiniest bit of bread and an intolerable quantity of sack. My Honourable friend almost made it a boast in his opening speech that the Corporation had not been forgotten in the distribution of loaves and fishes and increased powers at least in two instances had been their share. What are they? The first one is this. Under the present Improvement Trust Act, the Corporation and the Municipal Commissioner exercise a predominant voice over the action of the Board in framing improvement schemes and one of the sections of the Act requires that when an official representation, as provided in that section, has been made to the Board, they are bound to take up that scheme if they find that the representation with regard to the sanitary condition of the area concerned is correct, and that their financial resources enable them to undertake the work. That is the provision in the present Act. It is proposed under the amending Bill to take away the obligation thus imposed on the Board requiring them to undertake a scheme for which they have received an official representation and in its place to give the Corporation only a right of appeal to Government against the refusal of the Board to undertake it. In other words, the Bill takes away by far the larger power hitherto enjoyed by the Corporation under the section of the Act and give them the solace of an appeal only in its place, and yet the Honourable member says, we are increasing the powers of the Corporation, because in case the Board do not take up such a scheme as presented by the Corporation, forsooth the Corporation has under the amending Bill the power to appeal to Government.

The second matter in which the power of the Corporation is alleged to be increased is with regard to the acquisition of lands with buildings upon them. The Honourable member said that at present when the Board require for their purpose any Municipal land with buildings upon them they have not to pay for them. Now, it is proposed that the Board should be required to pay for them, though they may take away vacant land and streets, not for the purpose of adding to the streets, but for any purpose for which the Board may require it in connection with their schemes. Your Excellency will see how unjust the provision is. Up to now the Board had power to acquire streets and land vested in the Corporation only for inclusion in a street, but under the provision of the amending Bill a street or vacant land can be taken away not for the purpose of adding it to other streets—because if that is done it would eventually again become the property of the Corporation under the Act—but for any purpose for which the Board may require it, including sites for building.

These are the examples which my Honourable friend gave of the increase of powers given to the Corporation under the amending Bill. But, Your Excellency, against that I will ask the members of the Council to bear in mind what it is that the Corporation are required to do and to what extent the resources of the Board are required to be supplemented by the Corporation under the amending Bill. Under the present Act a maximum rate of not more than two per cent. on the rateable value is liable to be demanded by the Board in case their accounts show that they require that for their

purposes. The Corporation have ungrudgingly given the Board all that they required out of the two per cent. from time to time as their own accounts might show. Now, at the time when the present Act was passed the two per cent. was named because the object of those carrying out the original Bill was to provide Rs. 5 lákhs for the operations of the Board ; and as it was found that the Municipality then recovered Rs. $2\frac{1}{2}$ lákhs at the rate of one per cent., a rate of two per cent. would make up the anticipated maximum amount of Rs. 5 lákhs. Now, what does the amending Bill require the Corporation to give to the Board ? The two per cent. still remains, but it now fetches Rs. $9\frac{1}{2}$ lákhs and all these Rs. $9\frac{1}{2}$ lákhs the amending Bill requires the Corporation to pay to the Board without the previous limitation. Now, instead of Rs. 5 lákhs, which was the original estimate for the purpose of enabling the Board to carry on their operations, under the amending Bill, the Board will be able to get the full amount of Rs. $9\frac{1}{2}$ lákhs at once. But that is not all. Under section 79 there was a provision deliberately inserted in the old Act after very careful consideration—I can speak on that point with some authority because I was concerned in the preparation of that clause in the Select Committee—which made an apportionment of the profits in which Government and the Corporation got their respective shares ; and some time ago the Corporation received a sum of Rs. 16 lákhs. Under the amending Act there will be no apportionment at all and the money will remain with the Board. I do not want to complain of injustice, but what I want to point out is that the amending Bill increases the resources of the Board, which are taken from the Corporation to an enormous extent. It is perfectly true, and I must not forget it, that the Board forego their portion of whatever their accounts may show under section 73 in regard to the difference of the calculation of rates as provided in the Act. This year the sum due to them came to about a lákhs and some thousands. But to my surprise my Honourable friend quietly and glibly said in bringing one clause against another that the Corporation will be required to pay up to the present year, while the Board will not be required to give the profits up to the same date. Of course, this is a matter which can be dealt with in the Select Committee ; but I say it is a most inequitable arrangement between the Corporation and the Trust. As a matter of fact, this year when the Trust demanded this sum of a lákhs and some thousands of rupees under that section the Corporation pointed out to them : “you are entitled to that sum, but as you have upon the state of your own accounts to pay a sum of Rs. 4 lákhs and some thousands, we are quite willing that you deduct that amount and return us the balance.” But to my surprise I find that Government have put in a one-sided clause which would enable the Board to keep the Rs. 4 lákhs and odd and will require the Corporation to pay the one lákhs and some thousands. Alas ! the poor Corporation ; it is the old story of Cinderella once again. These are the accretions to the revenues of the Board.

Your Excellency,—The position taken up by the Corporation with regard to them is this. They say : “We are willing that this financial re-adjustment of liabilities should take place ; that instead of the Rs. 5 lákhs which is conditionally payable by us to the Board, the Board may be entitled under the amending Act to receive every year a total sum of Rs. $9\frac{1}{2}$ lákhs, which is the sum at the rate of two per cent. according to the present calculations and which may go on increasing, if not every year, yet at short periods of time ; that the Board may be given the further power of not apportioning their profits as they have done under section 79 ; and that the Board may be thus placed

in the position of better carrying out the work of improving the City of Bombay sanitarily. But what we say is that we are entitled to ask Government that the Board should be composed in such a manner as to ensure their spending these large sums of money, which we will place at their disposal, in a proper and well-considered manner, and their discharging their liabilities efficiently and satisfactorily." That was the reason which led the Municipal Corporation to send the amendment which stands before the Council practically in my name. It was not for the purpose of getting other amendments of the independent sections of the old Act that the Corporation have sent in their representation. This is a consequential proposal for the purpose of putting the Board in a position or condition in which they may be able to carry out their heavy duties of responsibility which lie upon them in disbursing such large sums which would be placed in their hands under the amending Bill.

It is a very important question for the public to see that the large sums which they will be required to provide for the improvement of the city are properly and satisfactorily disbursed by the body in whose hands they are placed, because they say that the operations of the Trust in the past have been carried on in a manner which has left very much to be desired. As the Corporation in their representation, which they made to Government as far back as 1901, pointed out, the City of Bombay was built in the older time in a straggling manner and was in such a situation that if you demolished any one part of it you cannot help making some improvement. But that was not all. The work which was placed in the hands of the Improvement Trust Board was not simply a haphazard one of pulling down houses, but it was of a far more responsible character and required far more careful treatment. Your Excellency, I think it is now generally admitted that in its very inception the Board erred in trying to carry out big ambitious and expensive schemes, instead of doing what the Corporation very soon afterwards pointed out to them they ought to do. The Corporation told them that they should in the first instance carry out a sanitary survey of the City of Bombay, prepare a sanitary plan of the improvements and changes that would be required in the process of time, and then, having done that, to take up small areas for improvement as their resources permitted them to do—small areas which would fit into one another as the schemes proceeded time after time. But instead of following the advice the Corporation gave them, they, as I said before, took up large, ambitious schemes prepared by gentlemen deserving of great credit in their own lines but not specially trained in the line of work with which they were entrusted. The two big schemes—schemes Nos. 2 and 3—the Sandhurst Road scheme and the Princess Street scheme, were undertaken under the orders of Government as is now admitted, on plans prepared by two officials of Government—Sir James Campbell, who though acquainted with the conditions prevailing in Bombay was not an Engineer, and Mr. Playfair Reynolds, who though an engineer was not acquainted with the conditions of the City of Bombay. These schemes were taken up at once under mandate. The Board commenced operations, but without having any regard to one of the most important considerations which ought to have been present in their minds that in carrying out such large schemes it was absolutely necessary that they should in the first instance provide for the accommodation of the people who would be displaced by the working of the schemes. That was an essential part of the work which was left to take care of itself. It was found that instead of serving the purpose for which the Trust was originally created, namely, to improve the insanitary areas with a view

to stamp out plague, the condition of the city became more insanitary than ever before, and instead of doing good as was expected it would, the rate of mortality actually increased. I do not know if many members have read recently in the newspapers that Surgeon-General Lukes has pointed out that it is now perfectly clear that so far as the prevention of plague is concerned large sanitary measures are of no use whatever. What is required is domestic or personal hygiene. That has been the experience of the city in that respect, and as I say it has resulted in the increase of insanitation, and that result has been brought about in consequence of the composition of the Board which was organised under the Act. That Board, as Your Excellency is aware, consists of three ex-officio members, the Chairman nominated by Government, four members appointed by Government, four members elected by the Municipal Corporation, one by the Chamber of Commerce, one by the Port Trust, and one by the Millowners' Association.

Now, Your Excellency, what the Corporation point out is that when they are the persons who provide means to carry out the operations of the Board, surely it is the Corporation who ought to have a proportionately predominating voice in that Board. Instead of it Government monopolise the whole thing. I again distinctly say that the powers vested in Government under the Act are of such a character that the Trust could not but become a department of Government. It would be realised that not only Government are represented on the Board most efficiently and powerfully, but that the Chairman of the Board is nominated by Government. I do not complain of that, but what I say is that he is a Government official, and the power thus placed in the hands of Government by that single circumstance is enormous. But that is not all. When a scheme has been prepared, whose is the power that sanctions or rejects it? Absolutely and entirely that of Government. In fact, it is Government who have an absolutely predominating power in controlling the operations of the Board. Any scheme prepared by them goes to Government for sanction, and so also any alteration of it. Thus, in reality, though Government contribute by far the smallest amount to the expenses of the Board, they have absolutely the deciding voice in the whole matter. The Corporation say they ought to be treated differently. They provide the funds to a very large and enormous extent, and, surely, leaving the sanction of schemes to Government—which in itself is a power of high control—if the Board are to control this expenditure it should be composed in a manner in which the representation of the Corporation is proportionate to their burden. That is the way in which the Corporation wishes this Council should deal with the financial arrangement. It is only fair and just, and right and equitable that they should be fairly represented on the Board. I ask Your Excellency if this is an unreasonable or unfair or inequitable demand to make, or is it in any way an attempt to introduce in the amending Bill, brought in for certain purposes only, an independent amendment on a matter of separate interest altogether? I say that the proposal for the composition of the Board is an absolute consequence of the change in the financial arrangement which is proposed to be carried out under this Bill. I know, Your Excellency, that the cry of the Corporation in this matter may be a cry in the wilderness. It may be said, as was stated on a previous occasion, that if even Government were inclined to move somewhat in the direction suggested by the Corporation, then it would be necessary for them to make a reference to the Government of India and to the Secretary of State. But I will remind

Your Excellency of the observations that were made by Sir STYRING EDGERLEY when he asked for the appointment of the Select Committee on the previous amending Bill. Your Excellency will find from it that he asked for a long date and gave it as his reason that in case Government accepted any further amendments of the proposed measure more time would be required, so that Government might be in a position to communicate with the Secretary of State, and he therefore laid it down that two months' time was insufficient. In view of the fact that he distinctly stated this, I ask Your Excellency why that course should not be followed even at the present time. If a reference may be necessary either to the Government of India or to the Secretary of State, why should Your Excellency not appoint a Select Committee with a somewhat distant date for its report, so that if it is found right and reasonable, some consequential alterations may be made in the amending Bill and if Government thought that they were powerless to accept them without a further reference to the Secretary of State they might have time to do so.

Your Excellency, it has been said that the Select Committee on this Bill are to be asked to commence their labours at once. I ask Your Excellency to say how unreasonable such a course would be to the Municipal Corporation. Government, the Trust and the Municipal Commissioner took a long time to offer their observations and remarks on the revised Bill. The Corporation got a draft of this Bill in the last week of April. It must be recognised that the Corporation can only act under statutory conditions. They were however assured that in case they might not be able to approach Government in time for the first reading, their views and representations will be considered between the first and second reading of the Bill. But I ask Your Excellency what would that be worth if the Select Committee at once proceeds to consider the Bill without the views of the Corporation before it. It would be urged at the second reading of the Bill that it is too late for the Council to do anything in the matter, as these views had not been reported upon by the Select Committee. I therefore submit that this matter should be carried out in such a manner as to give the Corporation adequate time to place their views before Government, particularly in a matter of such great importance and magnitude as this. Your Excellency, the honourable member in charge of the Bill said that this amending Bill has been brought forward mainly for the purpose of carrying out certain urgent alterations which were required for the purpose of the proper working of the Improvement Trust. But when my honourable friend went over the sections one by one it was impossible not to observe on what a large range of subjects and on what a numerous body of sections various small and minor amendments have also been proposed. New amendments, which were never considered before, have been introduced in this amending Bill. To my mind this is about as large an amending Bill as the last Bill was, and in the course of the discussion which took place on the last Bill, the amendments sent in at the first reading were referred to the Select Committee so that it might have an opportunity of considering them. I did not state that the amendment of which I gave notice on the present occasion was going to be moved at the first reading of the Bill, but I said at the proper time. I never asked that it should be voted upon in this Council at the first reading. What I asked was that it should be referred to the Select Committee—a course that was followed on the previous occasion without any objection whatsoever being taken to it.

There are various other points in regard to this amending Bill which require careful consideration. For example, I refer to that one which allows the Board to draw up a set-back scheme. That is to say they will draw up a set-back line in a street for the purpose of enlarging it and work it at leisure. I do not know whether it has been considered that such a proposal would not be of a most impracticable character. The Municipal Corporation have been endowed with the powers of laying down set-backs lines for years past, and I do not know whether the members of the Council are aware that besides the large sums of money which the Corporation have contributed to the expenses of the Improvement Trust, they are spending a large sum of money every year for the purpose of acquiring set-backs for widening streets something like 4 lakhs a year. Now, how would these schemes be worked? Suppose if the Corporation lay down a set-back line which the Improvement Trust would not approve, what would be the result? I was not aware that this would be included in the amending Bill, it makes its appearance for the first time in the present Bill. I must say that I am astonished that this should be inserted without giving any reason for it in the statement of objects and reasons.

Then with regard to the question of "the Flats" I do not know whether the members of the Council are aware that when the present Act was before the Legislative Council I raised a very strong contention with regard to the right of the Corporation to have the Flats included in the lands contributed for the purposes of the Board by them. That contention was based on the acknowledged grounds which I had taken the trouble to prepare by looking up all the old documents and I was able to show that Government had passed a resolution after long deliberation and consideration between themselves and the Corporation that these Flats were to be made over to the Corporation for certain purposes. It is perfectly true that a legal document was not prepared and passed, but the fact that Government did pass a resolution is never denied. I submit that if the Corporation have not a technically legal right, they certainly have a moral and equitable claim over it. Sir CHARLES OLLIVANT, who was in charge of the Bill, yielded to my contention to a large extent, and the Flats were not included in Government lands in Schedule C were to remain as they now were. Now, what it is proposed to do is that after devoting a certain portion to the race-course, the rest of the Flats are to be vested in the Board. It would be said that this means that it would be ultimately vested in the Corporation. But I think the proper course to follow is to recognise the title and the moral and equitable right of the Corporation to the Flats and to put them in the lands given by the Corporation for the purposes of the Trust in Schedule D.

I do not want to detain the Council by going into various other details of the Bill which require to be very carefully examined, but I have just given an idea of the attitude of the Corporation in regard to this measure. It is their cordial desire to co-operate in the work of improving the city sanitarily, but they say it should be done in such a manner that the best results may be obtained from the large expenditure which they are called upon to provide for the purpose. As I have said the Board's operations have not inspired that confidence in the Corporation which they have a right to demand.

Now, I have one more observation to make. The present situation of the Board is not satisfactory even with the liberal assistance of Rs. 50 lakhs which the Government of India have given. The state of things to which the Improvement Trust Board is reduced

is that, after devoting their funds to the Sandhurst-Crawford Market Road absorbing all the 50 lakhs, they will have no resources available for taking up the schemes for improving the numerous insanitary areas which still cluster in the heart of the city. I was very much interested—and to some extent amused—by the lecture which my honourable friend, the Chairman of the Trust Board, recently delivered on the subject. He said that improvement schemes should no longer be on the lines on which the Trust have worked in the past, but that there should be new lines, the burden of his song being that the whole cost of improvement should be put on the shoulders of the owners of property. I cannot conceal from myself that this is an attempt to cover the situation in which the Board are at present placed and their inability to carry out the schemes of improving many insanitary areas in the city, a thing which has contributed in making the sanitary condition of the city nearly as bad as before. Your Excellency must remember that the mortality tables for the last forty years show that while immediately after the passing of the first Municipal Act of 1865 for a period covering about twenty-five years the mortality rate in Bombay had gone down to 20,000 to 25,000 a year. The increase began from 1890 till it culminated in 1897, when plague broke out. The figures show that the number of deaths in 1897 was 47,896; it was 56,434 in 1899; 79,350 in 1900; 59,495 in 1901; about 48,000 in 1902; about 50,000 in 1903 and so on. And at the present moment in spite of the enormous expenditure which has been incurred on what has been called the sanitary improvement of the city, the death-rate has never gone down below 40,000, a state of things worse than in the 60's and 70's. That is the result of the work of the Improvement Trust so far as the sanitary condition of the city is concerned. The ambitious schemes upon which the Board have embarked remind me of a remark in a speech made by Mr. Harcourt that ambitious projects founded upon imperfect information are generally most mischievous. This has proved true in the case of this city, because in spite of the enormous expenditure that has been incurred by the Board on their operations, the sanitary condition of the city has not improved to that extent to which it was expected it would under all circumstances. I, therefore, submit, Your Excellency, that in referring this Bill to the Select Committee it should not be prevented from considering in what way the Board should in future be composed in view of the large responsibility to be imposed upon them by vesting in them increased resources under the new Act. With these observations I will ask the careful attention of the Council to the character of the amending Bill which has now been introduced.

The Honourable Khán Bahádur NÓWROJEE P. VAKIL said :—Your Excellency, with reference to some of the remarks made by my honourable friend Sir PHEROZESHAH MEHTA in regard to this Bill, I am of opinion that it is not practicable to make a large skeleton plan for the whole of Bombay and then take small portions of it and carry out improvement work thereon. I think that plans for the improvement of a large city like Bombay can only be made in a systematic manner one after another. Besides to carry out only small units would be to fritter away money and they might not fit in with one another when larger schemes are taken in hand.

In regard to the argument raised by Sir PHEROZESHAH as to the claim of the Bombay Municipal Corporation for a larger representation on the Board on the ground that the Municipality pays more money than other bodies for the work of the Improvement Trust, I admit that this contention is plausible but there are so many interests involved in

this work, those of the military, the Municipality, the Port Trust, and the people, that unless the voice of Government predominates, it will not be possible to carry on the work of the Board harmoniously. It is, therefore, impossible to concede to the demand for the larger representation of the Bombay Corporation on the Trust.

The Honourable Sardár Dávar K. E. MODI said :—Your Excellency, the question at issue it seems to me is, who is to be the predominating partner in the concern?—Whether the Municipality, Government or any other of the numerous bodies mentioned. It is a question of detail which can very well be settled in the Select Committee. There is a great deal of force in the argument that those who pay should have representation, but, as my honourable friend Khán Bahádur YAKIL pointed out, besides the question of contribution other considerations must also be taken into account. My view of the matter is that Government should have a predominating voice in the settlement of all questions that come up before the Improvement Trust; and therefore a predominance of Government nominees on the Board is necessary.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency, I heartily support the argument advanced by my honourable friend, Sir PHEROZESHAH MEHTA, who has put forward the case of the Bombay Municipal Corporation so ably before the Council. The Corporation has to pay a very large sum of money to the Improvement Trust every year. The argument put forward by my honourable friends, Mr. NOWROJEE YAKIL and Sardár Dávar MÓDI, that Government should have a predominating voice because there were several other interests on the Trust, is not at all tenable. In the first place I do not understand what the "other" interests are. The object of the Trust was to render the city of Bombay sanitarily better than it was. When it was created, a certain sum of money was considered to be sufficient to meet the requirements of the Trust. It was provided that a sum of five lákhs of rupees or even less than five lákhs be paid to the Trust as the Corporation's contribution. Under the present arrangement it is proposed that the full amount of contribution at the rate of two per cent. then contemplated should be paid to the Trust. The Corporation's contribution, therefore, will now be nine and a half lákhs of rupees. If the Corporation pay such a large amount of money to the Trust, then I say that the Corporation certainly deserves a greater voice in the administration of the Trust's finances. As it is, I may point out that the Trust has failed in the primary object with which it was created. We say that after its fifteen years' career, its operations have not been successful. What do we find after its fifteen years' operations? As the Honourable Sir PHEROZESHAH MEHTA has pointed out, the state of the health of the city has not improved a bit. The schemes undertaken by the Trust were very ambitious and were confined to making broad roads. It was calculated at first that there should be housing accommodation for the poor provided for seventy-five thousand persons but they have not yet completed their programme to accommodate even fifteen thousand persons, and the further ambitious schemes that they have on their programme will not allow of their extending their operations in this direction. It is, therefore, necessary that the Corporation should have a greater representation on the Trust. If the question of the Corporation's representation on the Trust is not allowed to be taken up now, I think that some individual member will have to bring in an amending Bill shortly and ask the Council for the application of the remedy that may then be suggested to make good the insufficient representation. As to the clause in the amending Bill which relates to the scheme for the accommodation of the poorer classes, I say that on

the paper the scheme of course looks elaborate and it is all very well to bring it forward with a flourish of trumpets but, to my mind, it will remain only as a statute in the Book. I do not think that it is in any way attractive and people will not come forward to take advantage of the scheme. It is suggested that if such facilities as are foreshadowed in the Bill are given to the mill-owners, they will resort very largely to the scheme. I doubt that very much. It is proposed to charge the employers of labour four per cent. on the capital outlay with sinking fund and other charges which are to be borne by the employers. Now may I ask what is the advantage that mill-owners will secure? What good is it to the mill-owners who have in some cases to transfer their own proprietary grounds to the Trust for a certain period? The rent is to be fixed and the rooms are to be built according to the idea of the Trustees. Of course, the owners may be consulted but they will have to submit to the will of the Trustees. The whole thing amuses me especially as a person can raise money from Banks at five per cent. and build the chawls according to his own idea without the interference of anybody. It will pay him better to adopt this course. The help that the Trust proposes to give is not a bit better than the arrangement which a mill-owner can make himself independently of the Trust. The chawls that the Trust proposes to build for the mill-owners will not be fully occupied. At least this is my personal opinion and my personal view, and after the scheme has been in operation for some time it will be ascertained whether I am right or wrong in my opinion. The scheme as it stands is not at all advantageous. In regard to the chawls which the Improvement Trust have built on their own account for the accommodation of the poor, they sustain a loss of two per cent. on their outlay. If they really aimed at encouraging the employers of labour to co-operate with the Trust in the undertaking of the scheme for the accommodation of the poorer classes, then I submit that some further and substantial facilities should be given them in order to induce them to do so. If that is done, then I can very well understand that people will be attracted to go in for such schemes. But as it is, the mill-owners will be better off if they built their own chawls with borrowed capital without going to the Trust for help. The Board has to bear no loss, and if there be any excess loss it will fall on the mill-owners. Section 40-A states: "Whenever the Board are of opinion that it is expedient, by reason of any of the matters referred to in sub-section (2) of section 23 or for any purpose mentioned in section 30, to provide for the ultimate broadening of any street up to certain set-back lines, the Board may pass a resolution to that effect, and shall forthwith proceed to make a street scheme for the area extending from the existing street line to the corresponding proposed set-back line. The said street scheme shall then be published and forwarded to Government for sanction in accordance with the provisions of this Chapter."

Now, I do not understand whether under this clause the proposal will be sent to the Corporation at the same time that it is sent to Government for sanction. If the Corporation are not consulted before the scheme receives the sanction of Government, it is rightly pointed out by Sir PHEROZESHAH MEHTA that it will be unfair, if the Act contemplated that the Corporation was not to be consulted until after the Government sanction had been obtained. I think that a provision should be made that the Corporation should be consulted before the Government are approached for sanction. Now, I come to section 51-B. It lays down that—

"When Government are satisfied that there is no longer any necessity for the continuance of the Board of Trustees, they may by notification in the *Bombay Govern-*

ment Gazette, with the previous sanction of the Government of India, dissolve the Board from a date to be specified in the notification.

(2) Thereupon, notwithstanding anything contained in any other section of this Act,

(a) all the right, title and interest of the Board on that date in the lands specified in Schedule C and in the lands reclaimed within the limits specified in Schedule E shall re-vest in Government;

(b) all the assets and liabilities of the Board in respect of the abovementioned lands shall be taken over by Government;

(c) the right, title and interest of the Board in all other lands shall vest in the Corporation;

(d) the Corporation shall take over the assets and liabilities of the Board in respect of the lands in clause (c) and any other assets and liabilities, except those mentioned in clause (b), standing to the credit or debit of the Board."

One fails to understand why if all the assets and liabilities mentioned in clauses (a) and (b) are to be taken over by Government, a proportionate share of loss in the operation of the Trust should not be shared by them. If there be a profit well and good, but if there be any loss and the Corporation alone was to share the loss, then I think that is not fair. I submit that it is only right and proper that Government should at least bear a share of the loss, if there be any in the operations of the Trust. I hope that the Select Committee will take into consideration all the points that I have raised.

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Your Excellency,—The Honourable Mr. MANMOHANDAS concluded his speech by referring to clause 19, a clause which relates to the reversion of the Trust's estates and liabilities to the Corporation on its ultimate dissolution. It appears to me that Government have conferred a great obligation upon the City by agreeing to introduce this clause in the Bill and by using their influence with the Government of India and the Secretary of State in obtaining for the City of Bombay the right of reversion which has recently been conceded to Calcutta. I think we are grateful to your Excellency's Government for succeeding in obtaining from higher authorities the right of reversion to which the Corporation are morally and equitably entitled. The provision is on a very equitable basis. The lands mentioned in the schedules C and E go back to Government. They originally belonged to Government and have been vested in the Improvement Trust for 99 years. All the rest goes to the Corporation with the necessary liabilities that may be outstanding at the time of the reversion. I think instead of criticising the provision of reversion we must thankfully acknowledge that it is eminently satisfactory from the point of view of the City.

Then I was amused to hear my honourable friend Mr. MANMOHANDAS say that the work which the Chairman of the Improvement Trust, the Honourable Mr. ORR and his predecessors have done in the matter of formulating provisions for accommodating employers of labour with loans at a low rate of interest for providing houses for the working classes, and on which a great deal of time and trouble has been expended, will result in nothing. I hope that view will not prove to be true. The idea was mooted eight or nine years ago in the Improvement Trust by the Honourable Sir SASSOON DAVID, the representative of the millowners on the Board of Trustees, and was subsequently taken up by the Honourable Sir VITHALDAS. I know that the original proposals were not considered

satisfactory, but the proposals that have now been embodied in the Bill have been carefully considered by the authorities in consultation with the leading members of the Millowners' Association, who have all these years taken a keen interest in the subject; and I understand that they are all sanguine that a great deal of good would result therefrom. There is one point to which I wish to invite the attention of the Council and that is in regard to the remarks that fell from the Honourable Member in charge of the Bill. I do not think that it is contemplated that this provision for accommodating the employers of labour with advances of money for providing chawl accommodation for their men can in any way interfere with the liability that is deliberately thrown upon the Improvement Trust in the matter of providing chawl accommodation for those poor people whom they displaced in carrying out their schemes. That liability must remain, and it is, I think, a liability which we have up to now partially discharged. We cannot conceive that any scheme, however largely it may be availed of, can in any way reduce the liability that must necessarily fall upon the Improvement Trust in providing sanitary accommodation for the poorer classes of people who are displaced by the operations of the Trust, and as far as I know the Trust do not propose to be relieved of that liability, which we have accepted all these years. Then it was stated that the help of cheap loans that we have provided in this clause is no help at all, because the millowners can borrow practically on the same terms. I am glad to hear if that is so. It does not really matter whether employers of labour avail themselves of the facilities which we provide by legislation to accommodate them with money, or make use of their own credit in the market and obtain loans from the banks. If they prove alive to their duty and themselves provide sanitary chawls for their poor workmen, the result will be equally satisfactory.

Now, I should like to point out to the Council that there is some misapprehension in interpreting section 41 as it is proposed to be amended. The section, which is clause 14 of the Bill, runs thus:—“Whenever under any scheme of the Board, the whole or any part of an existing public street vested in the Corporation is required for the purpose of such scheme or whenever the whole or any part of any vacant land vested in the Corporation is required *to be included in the site of any street to be formed or altered by the Board* under such scheme, the Board shall give notice to the Commissioner that the whole or a part as the case may be of such existing street or vacant land is required by them as aforesaid and the part required shall thereupon be vested in the Board.” If I understood the Honourable Member in charge of the Bill correctly the interpretation which he put upon it was that all pieces of vacant land included within the boundaries of a scheme notified by the Improvement Trust and belonging to the Corporation would vest in the Trust free of cost, whether these pieces of vacant land were required for street purposes or building sites. Such is not the interpretation which I put upon it, because the section clearly makes a distinction under two heads. To my mind it means that if a portion of a street is required for the purpose of a street, or even for the purpose of a building site, then that street vests in the Trust free of cost. All these years the same procedure has been actually followed. The Commissioner recommends that when the Trust make a road under such a scheme it should be taken over by the Municipality and in lieu thereof those pieces of the existing roads which were no longer required for the purpose should be handed over to the Trust. This procedure has worked quite satisfactorily. Years ago

the question was raised in the Corporation that it was unreasonable to accept the provision in the present Act which laid down that Municipal property however valuable should vest in the Trust free of cost if required for the purpose of a street. For, supposing the Trust with the sanction of Government ran a street right through the Crawford Market it was not reasonable to expect that the whole property of the Crawford Market should vest in the Trust free of cost, so far as the site of the proposed street was concerned. Government and the Trust both agreed that the most equitable arrangement would be that the vacant pieces of land required for street purposes should vest in the Trust free of cost, and when the roads were made they should be handed back to the Municipality for maintenance. If the Trust had to acquire Municipal property they should do so in the ordinary course either by private agreement or under the Land Acquisition Act. That arrangement was agreed to by all parties concerned and Government undertook to legislate on those lines. That is now being done, and as I understand the wording of the section that is identically the arrangement which is proposed to be carried out by the amending section. But there is only one thing for which there is no provision in this clause. That is with regard to the right of access which certain houses may have upon those portions of the street which may be taken over under this clause by the Trust for building purposes. That is to say, supposing just beyond the boundaries of the scheme of the Trust there are certain houses access to which is by the roadway, and the roadway may be included within the boundaries of the scheme and utilised under this clause for the purposes of building, would those people who had access through the road before lose their right of access? If you will read the representation of the Improvement Trust to Government you will find that the Board have themselves suggested adequate safeguards; portions of such roads cannot be utilized for the purposes of building sites without making adequate provision for access to the existing houses. I think that such safeguards should be provided when the clause is considered by the Select Committee.

I should next like to say a few words as to the proposed amendment of section 72. The arrangement with the Corporation is that the Improvement Trust should get two per cent. on the rateable value. But the manner in which the section is worded requires some further explanation. The clause runs as follows; "The Commissioner shall pay from the municipal fund to the Board on the first day of April 1913 and every succeeding first day of April a lump sum equal to double the amount of the actual net realizations of the Corporation in the preceding financial year under the head General Tax or payments in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the financial year beginning on the first April in question." If I understand the section correctly it means that supposing the rate for the year beginning on the 1st April 1913 was either 8 or 12 per cent. instead of the 10 per cent. which prevailed during the year 1912, the payment to the Trust would be on the basis of either 8 or 12 per cent. as the case may be, though in the preceding year the actual rate was 10 per cent. Thus the Trust would either lose or gain in proportion to the rate being higher or lower than for the year for which the amount of tax has been collected. I suppose that is the interpretation of the section. This is manifestly wrong. The rate at which the tax is levied for a given year should form the basis to determine the Municipal contribution for that year. Then another point arises in regard to the same matter. In the year ending the 1st April 1914, the amount collected will represent

not only the collections for that year but also outstandings for the preceding years, and I do not see how it can be equitable to divide that amount on the same basis of 2 per cent. on the outstandings of the preceding years. I daresay after two or three years have gone the section will work satisfactorily, but in the meantime it should be clearly laid down that no portion of the outstandings for previous years shall be payable to the Board.

Then as regards clause 31 I am quite in agreement with my honourable friend Sir PHEROZESHAN that the same day should be fixed for determining the time from which effect should be given to the amended financial arrangements that have been agreed to between the Corporation and the Improvement Trust. If retrospective effect is proposed to be given to section 79, by which money payable to the Corporation will be retained by the Trust, then retrospective effect should also be given to clause 29 repealing section 73. I do not think it is right for your Excellency's Government to accept the view that the sum of Rs. 1,40,000 which the Corporation would save by the repealing of section 73 should go to the Trust and that the sum of Rs. 4 lakhs which is payable by the Trust to the Corporation should be retained by them. It appears to me that the most equitable arrangement would be that the Trust should not claim or should not enforce the payment of their claim under section 73 and that they should be relieved of payment under section 79.

Then there is clause 33 about which I should like to make a few observations. It is for the first time proposed to be enacted that the Improvement Trust shall bank with the Bank of Bombay or such other banking institutions as are approved by Government. It appears to me that the Government of India, who, according to the honourable member in charge of the Bill, laid down that some arrangement of this kind be made, were probably not aware of the history of the question. About 20 or 25 years ago the Municipal Act had a provision under which the Corporation were obliged to bank with the Bank of Bombay only, and the result was found to be so very unsatisfactory by the Corporation that they made a representation to Government asking them to relieve them of the monopoly of the Bank of Bombay. The case of the Corporation was regarded as so strong by the Bombay Government, that with the sanction of the Government of India and the Secretary of State they introduced a special Bill in this Council to remove the disability under which the Corporation was suffering, and authorised them to deal with other banks. The Corporation accordingly have been dealing with other banks for the last 20 or 22 years, and there is not the least danger or fear that the confidence placed by Government in the Municipal Corporation has been misplaced. On the contrary, substantial profit has been secured by the Corporation by that arrangement. Now, when the major portion of the Trust's revenues is drawn from the Municipality, and as the Honourable Mr. ORR says the capitalised value of the Corporation's contribution comes to something like Rs. 2 crores and 40 lakhs, I do not see why the hands of the Board should be tied down in the matter. I think if this matter is properly represented to higher authorities the proposed disability can be removed. In my opinion the most logical course would be to authorise the Trust to put their monies in such banks as the Municipality accept for their investments. If Government do not approve of this proposal I will raise no objection to provide that the Trust should deal with those banking institutions which Government themselves may from time to time approve. The Bank of Bombay may

be one of them, but I do not see why the Hongkong, the National and the Chartered Banks should also not be approved by Government for the Trust's investments. If instead of naming the Bank of Bombay specifically in the clause Government were to reserve to themselves the right of naming the Banks for Trust investments, I would not object but any attempt to interfere with the liberty of the Trust would go to reduce the return which they are likely to obtain and reduce their resources to that extent.

As regards clause 35, I see that the section as drafted extinguishes the rights of the Improvement Trust in the reclamation of Back Bay. There has been a considerable correspondence on the subject, and it has been mutually agreed that in consideration of the Board agreeing to give up their Reclamation rights, they shall be entitled to obtain an equitable share of any profits which may accrue from the carrying out of the large scheme by Government. I think it should be clearly provided in the Act that such share of the profits shall be payable to the Board.

In conclusion, I will merely say that the question of the representation of the Corporation on the Trust has been before this Council before. As your Excellency has ruled the amendment out of order, I do not propose to speak about it. But I may inform the Council that in the Select Committee on the last Bill Sir STEYNING EDGEBLEY was inclined to concede to the Corporation larger representation. He was in favour of giving five seats to the Corporation, while the Corporation wanted six. When the question comes up I, as a representative of the Corporation on the Board, will certainly favour the increased representation of that body on the Board.

With these remarks I support the first reading of the Bill.

The Honourable Mr. MARSHALL REID said:—Your Excellency,—I should like to make a few remarks with reference to clause 33, which deals with the banking and investment of the Trust's funds. I am unable to appreciate the objection which my honourable friend Sir IBRAHIM RAHIMTOOLA raises to this clause. The first object to be aimed at in connection with the investment of Trust funds of this description must surely be *security*: and in naming only the Presidency Bank, the clause follows exactly the lines one would expect. To name one or two additional banks would be most invidious and open to serious objections for various reasons. As matters will stand, when this clause becomes law it will be perfectly open to the Trustees to request Government to add the names of any other bank or banks which the Trustees recommend and which in their opinion will ensure adequate security and more attractive terms than can be obtained from the Presidency Bank. But while I approve of the clause as it stands, I hope Government will see their way to modifying the reference to this clause in the statement of objects and reasons. This reference says:—"At the same time it is proposed by the proviso to leave to the Board power to continue what are known as *budlee* transactions, which are practically nothing more than loans to banks on the security of the deposit of Government promissory notes or other similar security." Now *budlees* are nothing more nor less than the temporary financing of people who are in want of ready money. There is of course no crime in being short of ready money; on the contrary it is not at all an unusual accompaniment of skilful financial operations: but a notable feature of the *budlee* business in Bombay as elsewhere is that it owes its volume mainly to the operations of a class of people who seem to be

habitually short of ready money. If the wording of this paragraph made it clear, which it does not, that the Trust's *budlee* transactions would only be permitted when the parties dealt with were substantial, it would be unobjectionable: but there is nothing in this clause to prevent the Trustees dealing with those who presumably must pay more tempting rates for accommodation. Such business may be good enough for those who have a close touch with the market and with those who operate in it: but the officers of the Improvement Trust can I hope spend their time more profitably than in gaining this touch. For these reasons I should like either to see this portion of the paragraph in the objects and reasons eliminated, or the wording altered so as to limit the transactions on the lines I have indicated.

The Honourable Mr. W. D. SHEPPARD said:—Your Excellency,—When I received from the Secretary of this Council a copy of the Bill we are now discussing I congratulated myself—first on the probability that there would be hardly any discussion on the Bill at all, and secondly on the fact that a number of troublesome points which had been in existence to my knowledge for many years in connection with the City of Bombay Improvement Act were at last to be removed by legislation. I was convinced that legislation had certainly waited as long as was desirable. On coming here however, I have heard an impassioned speech from the Honourable Sir PHEROZESHAH MEHTA, and the only qualification of that speech has been the mildness of the further words which have come from the present President of the Corporation, who has supported the Corporation's suggestions about representation, and the words of the Honourable Sir IBRAHIM RAHIMTOOLA, who I suppose knows more about the existing law connected with the Improvement Trust than even my neighbour on my right (the Honourable Mr. ORR). But, as I say, the questions dealt with in this Bill were most of them before the public of Bombay in the year 1901, when I went to Bombay first to act as Municipal Commissioner. The only new question is the subject dealt with in clause 10, to which the Honourable Mr. MANMOHANDAS has taken exception, but it has been accepted by the Board as desirable, and on the initiation of Mr. MANMOHANDAS's partner, Sir VITHALDAS. Evidently the two partners do not agree on this particular matter. That is a very recent thing dating no further back than 1905 or 1906.

Another matter that may be new, although the point has certainly been raised before, is that the period during which the Corporation might be allowed to discuss any proposals made by the Improvement Trust should be increased.

The Honourable Sir PHEROZESHAH MEHTA:—That was mooted by the Corporation so far back as in 1901.

The Honourable Mr. SHEPPARD:—And perhaps before my time. Coming to the Bill, there seems nothing to fight about; and I still cannot get over the feelings of surprise with which I heard the fighting speech of the Honourable Sir PHEROZESHAH MEHTA. Comparing it with the remarks made by Mr. MANMOHANDAS, I think I may say that the most important part of this new Bill is shown to be the provisions referring to the financial relations between the Trust and the Corporation. Are they right or are they wrong? Were they forced on the Corporation, or has the Corporation expressed entire concurrence in them? I have here a letter written, not at the request of Government or of the Improvement Trust, but at the desire and initiation of the Corporation themselves written not so very long ago, on February 16th, 1911, when Mr. D. E. DADACHANJI was

the President of the Corporation. It was a letter written asking for Government assistance towards the Funds of the Trust. They were anxious to get, if they could, a crore of rupees, and I would like to be allowed to read out what the Corporation said in that letter with reference to the financial relations of the Corporation and the Trust. I am reading paragraph 10 of this letter, and the Corporation, having asked for a big dose of money, proceeded :—

“The Corporation trust that it will not be assumed from anything in this representation that they are unwilling to meet all that can be fairly required of them. If the assistance which is asked from Government is forthcoming and if the provisions of section 73 of the Trust Act are repealed, the Corporation will be prepared to assent to the full provision of two per cent. on the rateable value being rendered obligatory under section 72 instead of being, as it is under the present wording of the section, entirely optional on their part. They are also willing to agree to section 79 (3) of the Act, which allows to the Trust the distribution of annual profits between Government and the Municipality, being amended to allow of such profits being utilised by the Trust for the financing of their schemes on the understanding that the entire profits and assets of the Trust, with the exception of the lands specified in Schedule C and Schedule E, will ultimately revert to the Corporation.”

This Bill here before us embodies those provisions which the Corporation were in 1911 so anxious to have adopted, and now here is the Honourable Sir PHEROZSHAH MEHTA and the Honourable Mr. MANMOHANDAS, the present President of the same Corporation, coming forward and talking as if it were a grievance.

The Honourable Sir PHEROZESHAN MEHTA :—I never used the word “grievance.”

The Honourable Mr. SHEPPARD :—Well, perhaps Sir PHEROZESHAN did not ever use the word grievance, but that does not alter my point, which is that these terms were asked for and declared acceptable to the Corporation only 1½ years ago, and now when what they have asked for has been embodied in this Bill they suddenly turn round at the last minute and complain of want of knowledge, say that they have not been sufficiently consulted and are indignant that the full two per cent. is going to be taken from them.

They ignore the concessions made by Government and the contribution of 50 lakhs received from the Government of India. I think myself these contributions are most liberal, and Government has given up claims on property worth a great deal to them.

I will refer to some of the other points taken by the Honourable Sir PHEROZESHAN MEHTA. At the outset the Honourable Sir PHEROZESHAN MEHTA makes it a grievance almost that the method of dealing with the representation of insanitary areas should be altered. The present system is that certain persons, including particularly the Municipal Commissioner, may make representations to the Board, and the duty of the Chairman then is to deal with them. The consequence is that the business of the Board may become congested with a number of schemes with which it is unable to deal, but which, as a matter of courtesy, the Chairman of the Trust thinks it is his duty to waste his time upon. Under the new Bill the Chairman need only concern himself with those which the Board are likely to take up, and the others can be laid aside; or pressed for again, if certain people so desire—I think it is at the wish of the Corpora-

tion, and there is a reference also to Government. I cannot see what grievance there is in this. It will be possible now to take a certain number of schemes, and say, "these shall be held over," and if they are not dealt with then the Corporation can go to Government. That is certainly an improvement on the previous position, and not a matter on which the Corporation should complain.

Another point which has been raised is as regards the disposal of land which has ceased to be needed for a street. Supposing the Trust take up the improvement of a long, irregular street, and in carrying out that improvement some portion of the old street is no longer required for the improved street, there is a doubt as to whether this portion of the old street becomes with the rest of the street Trust property, or whether it remains the property of the Corporation. This question, again, must be so familiar to the Honourable Sir PHEROZESHAH that I am surprised he regards it as a grievance that an endeavour should be made to remove that doubt. While in Bombay I must have sent a dozen of these cases to the Corporation and recommended them to give up odd bits of streets, getting in return open spaces and much more suitable streets, and the Corporation always agreed to it. In placing this into the Act Government are only regularising and making legal the present practice of the Corporation.

I have already dealt with the 2 per cent. objection. Instead of the Corporation grumbling about it, it should be a matter for congratulation if it brings in more than it used to. If the two per cent. only brought in five lakhs two years ago and now brings in nine lakhs how much better off the Corporation must be! They must be receiving an enormous increase upon the amount they were getting before. At all events, in a case like this for a big City to refuse to pay two per cent. on its assessment seems a ridiculous and unworthy proposition.

Now I come to the statement of Sir PHEROZESHAH that Government monopolises what he calls the "whole thing." The "whole thing" is the Improvement Trust, and how does Government monopolise it? Out of 14 members on the Improvement Trust while I was in Bombay 12 of them were members of the Corporation—four of them elected by the obsolete and aristocratic system called "open election," under which everyone knows how everybody votes. The rest come in under the various headings of membership of the Trust. I should like to know what the Corporation thinks of the other eight members of the Corporation. Are they to be treated as being unfit to deal with Trust questions and to know what the proper duty of the citizen is? I say they are just as capable, just as honest, just as suitable as members of the Trust as they are as members of the Corporation. Therefore, I do not see why we should struggle to get more gentlemen elected to the Board by the obsolete and undemocratic method of open election. You have the Corporation absolutely and fully represented, and if the Council thinks the four gentlemen on the Trust either fail in their duty or are unable to give expression to the waves of public opinion which from time to time prevail and influence Bombay you are making a great mistake. Who are the four gentlemen elected by the Corporation on the Trust? We have the Honourable Sir IBRAHIM RAHIMTOOLA; we have Mr. D. E. WACHA; we have Sir BHALCHANDRA KRISHNA; and we have Mr. GAMADIA. If with these gentlemen on the Board you don't hear all that is worth hearing about the feelings of Bombay you must be extraordinarily obtuse.

I say that there is nothing in the Bill to which exception can be reasonably taken except on one or two minor points, which can very well be dealt with in Select Committee.

The Honourable Mr. J. P. ORR said:—Your Excellency,—Mr. honourable friend Mr. SHEPPARD has said, it seems to me, very nearly all that need be said as regards the remarks which have fallen from honourable members of this Council and has spared me the trouble of saying so much on these points now. I had noted a few points on which I thought some observations would be expected from me, chiefly in regard to the Honourable Sir PHEROZESHAN MEHTA's speech. I understand Your Excellency has ruled out of order the question of the constitution of the Trust on the ground that it is not contemplated by the Bill before us to alter the constitution, and I suppose it is open to the Corporation or the Trust themselves to put that forward with other matters they desire if further legislation is attempted on another occasion; but when it is put forward I hope it will be supported by arguments more capable of standing examination than those we have heard today. The main argument is that the Corporation should have representation somewhat in proportion to their liabilities, and I understand that Sir PHEROZESHAN's point is that the amending Bill increases their liabilities and therefore their representation should be increased. Well, I can find nothing in the Bill which increases the liabilities of the Corporation. Sir PHEROZESHAN has made a great point about the full two per cent. which is being taken, but, as the Honourable Mr. SHEPPARD pointed out, that is being done by consent of the Corporation, and the whole of the financial provisions of the Bill, except the proposed amendment of section 79, which enables the Board to keep the three lákhs profit they made last year, instead of giving it to the Corporation, are in strict accordance with the letter of which the Honourable Mr. SHEPPARD read an extract. The paying of the full two per cent. is not increasing the liabilities of the Corporation. It is said that the two per cent. at the time when the Act came into force, amounted to five lákhs. Quite right. The assessment of the city on that date was $2\frac{1}{2}$ crores, and the Act says that the Municipality will continue to pay something which will in the maximum amount to two per cent. on the assessment. Now it is incredible to me that any thinking man could really believe that a Corporation who consented to that section at that time ever supposed the assessment was going to stay at $2\frac{1}{2}$ crores for ever. When you say the contribution to the Trust is to be two per cent. on the assessment you evidently contemplate that the assessment is liable to change, and I do not think anybody who knows Bombay and has belief in the prosperity of Bombay, as I have, had any idea that there would be a reduction in the assessment. As a matter of fact, the assessment has increased from $2\frac{1}{2}$ crores in 1900-01 to over $4\frac{1}{2}$ crores in 1911-12 and of course two per cent. on $4\frac{1}{2}$ crores is nine lákhs. But while the share of this general tax which the Trust gets under this two per cent. arrangement has increased from five to nine lákhs, the share of the Corporation has increased from 25 to 41 lákhs, so that the change is that the Trust have four lákhs more and the Municipality 16 lákhs more, and the Corporation do not appear to have much of a grievance if the Trust gets but four lákhs of the additional 20.

I understood from the Honourable Sir PHEROZESHAN MEHTA that he meant when he said that the financial liability of the Municipality was to be increased by the proposed Bill that the Corporation were to be forced to pay the full two

per cent. Quite apart from the question that the Corporation agreed to do this it might be pointed out that in the past three years they have been practically paying the full two per cent. so that what they have been agreeing to is not an increase of liability, for it is a liability which existed under the present Act and which must remain. There is no increase of liability when the Act provides that the full two per cent. has to be paid if the Trust's finances require it. There is another section, *viz.* section 80, by which the Corporation has to make good any deficit in the Trust's general account, and that means that there must come a point at which the Corporation, though they might under the existing law pay something under two per cent. at the beginning of the year, will have ultimately to pay the full two per cent. As a matter of fact, the Corporation's contributions to the Trust have been nearly two per cent. for the last three years. According to forecasts made some years back there would have been an annual loss on the Trust's operations so far as we could see in the last three years. Luckily, circumstances have favoured us, and we have been able to make increasing profits instead of losses during the last three years. The proposed alteration in the Act does not increase the financial liability of the Corporation under section 72. The Bill contemplates rather a decrease than an increase in the Corporation's liabilities, because it gives the Corporation a reversional right in the Trust's assets, and that is of very considerable value, as I hope to have the pleasure of showing next year in my forecast.

I move along to the other points which I thought worth noting from the Honourable Sir PHEROZESHAN MEHTA's speech—there are not a great many of them. He says the Trust should be so constituted as to be able to carry out its duties in an efficient and proper manner, which it never has been able to do up to now. That is a matter of opinion. There are 14 members of the Trust now, and if all 14 were members of the Corporation, I don't think we should get any better results. We can work quite well with any number of representatives of any public bodies provided they are all animated by a desire for the good of the city. That is all we want.

Sir PHEROZESHAN has made somewhat a grievance that there were several minor points introduced into the Bill which had never been considered before. I believe all the minor points which have been introduced are uncontentious, and I waited in vain to hear the honourable member give an instance of one which was worth serious consideration. They were inserted in the course of the negotiations for the drafting of the Bill sometimes at the suggestion of the Municipal Commissioner and sometimes at the suggestion of the Trust, but in all cases they were only minor points which were quite trifling.

As regards set-backs both the Honourable Sir PHEROZESHAN and, I think, the Honourable Mr. MANMOHANDAS have referred to the possibility of a clashing of opinion between the Trust and the Corporation. The Honourable Sir PHEROZESHAN thought a hopeless *empasse* would be created, but I do not think there is the least likelihood of this. Perhaps it is best to lucidate the point by giving an illustration. The most important road to which it is proposed to apply the section is the Parel Road—in what we sometimes call the Eastern Avenue scheme, the prolongation of the new road from Crawford Market to Sandhurst Road. This road is to be 100 feet wide. Some of us think if erring at all we should err on the safe side in making the road straight through to the north rather too broad than too narrow, and the Trust have decided,

not unanimously, but by a considerable majority, that the road shall be at least 100 feet wide and the set-back lines have been laid down. It is extremely probable that the Corporation would not agree to the same set-back lines. Well, the procedure prescribed by the Act is the ordinary procedure for street schemes, and amongst the provisions for street schemes is one that it has to be referred to the Corporation for consideration and time is given them to send in their views on the subject: those views the Trust have to forward to Government when they ask for sanction to the scheme. I suppose Government will then decide which is the better scheme—the Corporation's for a narrower road or the Trust's for a broader road. Certainly there is no chance of the Corporation not being heard.

The Honourable Sir PHEROZESHAH MEHTA made a suggestion with regard to a long standing dispute as to the proprietorship of the flats of which I do not know the "ins" and "outs". I believe the Corporation hold on the one side, and the Government hold on the other, that they themselves are the proprietors of the flats. That is a dispute which will have to be settled some day, and suppose it is found that these flats can be claimed by the Corporation I do not see any violent objection to Sir PHEROZESHAH's suggestion that instead of certain parts of the flats being put in the Trust they should be given to the Corporation and put in Schedule D, which practically means they are lent to the Trust for 99 years. But that is a very trifling point. As a matter of fact these little pieces of ground which it is proposed to transfer to the Trust are not worth spending much breath upon.

The Honourable Sir PHEROZESHAH MEHTA was good enough to refer with some decision to a lecture I recently gave in the hope of touching the sanitary conscience of the citizens of Bombay and getting them to realise how largely the insanitary condition of Bombay at present is due to the defective by-laws of the Corporation. I have always thought those critics of the Trust who complained that the Trust was not taking up sanitation on a big scale were not unreasonable. It seemed to me a subject which ought to be gone into and it is a subject to which I have given the closest attention for, at any rate, the last two years with the intention of thinking the subject out thoroughly before making any proposals about it. Now I have made some proposals which Sir PHEROZESHAH has not correctly described when he said I proposed to put the whole cost of improvement on owners. The basis of my proposal is that the methods of wholesale demolition which have been adopted up to the present have been hopelessly expensive and we must drop them. We have been attempting to deal with the problem by the treatment of small areas, while all around these areas people are building under the Municipal by-laws, which allow them to go on building storey after storey on high buildings, the result being a great increase in the defectiveness of light and air of these one-room tenements, which are inhabited by the working classes of Bombay. It is, I believe, well known that something like 85 per cent. of the population dwell in one-room tenements, and the main point is that you must go right down to the unit of the single room and pass by-laws which will ensure that *each room* has sufficient light and air as is required in England by the Municipal by-laws. Another point which, I think, is important is that you must not be content to deal alone with new areas which will be built on hereafter; you must attack the old insanitary areas which have gone from bad to worse under existing by-laws. This being hopeless under the present system, what I want is that we should adopt the policy

of helping house-owners to help themselves. It is a policy which has been adopted with considerable success in several important towns in England and Scotland and I see no reason why it should not be followed here in spite of the magnitude of the task. Of course there will be tremendous opposition from the house-owners to start with, but I hope it will be found possible to bring considerable profit to some proportion of the house-owners and it is only reasonable I think, that the public purse should be used for minimising the loss to the others. However, I will not waste any more time on that. It is not distinctly germane to the Bill before us and I hope to go into further detail, if not in this Council, at any rate in the Corporation and Trust.

The Honourable Sir PHEROZESHAH MEHTA has remarked on the high mortality in the City, and he actually said, unless I misunderstood him, that this was the result of the working of the Improvement Trust. Well, that seems to me—

The Honourable Sir PHEROZESHAH MEHTA : I said the operations of the Trust had not succeeded in reducing this mortality even to its original limits.

The Honourable Mr. ORR : Well, undoubtedly the operations of the Trust have resulted in the improvement of considerable areas with which they have dealt, and if the total mortality—which by the way the Honourable Sir PHEROZESHAH MEHTA judges by the total number of deaths, whereas he should judge by rates and not actual numbers, which do not allow for increases in the population—is higher now in Bombay than it used to be then it is pretty certain that since the sanitary condition of the Trust's estates has been greatly improved the bulk of the increased mortality must be in the areas outside, *viz.*, in those which come under the Corporation by-laws, which I want to amend. *Apropos* of that, I quite admit another point on which Sir PHEROZESHAH enlarged and which we have heard repeated *ad nauseam*. It is one of those cases of "spilt milk" which it is of no use repeating. The early operations of the Trust *did* result in the overcrowding of the areas next to those with which we dealt, but that has been remedied a long time since, and really that subject ought to be dropped.

The Honourable Mr. MANMOHANDAS RAMJI had a good deal to say, which I have heard him say before, on the subject of chawls. He blames the Improvement Trust for not having erected chawls for 75,000 people. Well, we have always been confronted by difficulties and objections, and we have now got into the way of thinking that whatever we do will be objected to. If two or three courses are open to us we know whichever one we take of them it will be objected to. Looking up old records at an early stage of my career as Chairman of the Improvement Trust I found there were strong objections on the part of the Corporation to the way the Improvement Trust were wasting money on chawls. It is a fact that we do lose money on our chawls. We have lately increased the rents so that instead of their being 50 per cent. of the rents ordinarily paid in the neighbourhood we have raised them so that they about correspond to the rents ordinarily paid by people in the same class of building in the neighbourhood. We do lose on the chawls and in 1903, or a long time ago, it was suggested that we should work in co-operation with the Mill-owners with the view to getting chawls erected upon which the public purse should lose nothing. That is the principle underlying this co-operative chawl section in the new Bill—that accommodation is to be provided for a very large number of poor workers of the City at the expense of the public purse, but in such a way that the whole of the money will come back to the public purse without loss in the shape

of rent paid by the employers. Lately chawl construction has been delayed because every year it was thought we had only a year to wait before the Act would be amended, and we kept putting off the larger schemes for chawls, in order that these co-operative chawls might take their place. We waited nine years, and I hope we shall wait no longer. In the meantime conditions changed, and personally I am inclined to share the views expressed by the Honourable Mr. MANMOHANDAS as to whether many employers will take advantage of the section. For that reason it will be good policy, it seems to me, if the Select Committee do everything they can to make this scheme easy for employers. We have on record an assurance from the Mill-owners' Association that some of the Mills are prepared to take advantage of these sections as soon as they are passed into law. Therefore, I think, it is our duty to go through with them; even if we get only half a dozen employers to take advantage of them that will be a great step in advance.

As regards the Honourable Sir IBRAHIM RAHIMTOOLA'S speech, I may say at once that I agree with nearly everything he has said. I think, if I may be allowed to say so, there was a little hyper-criticism in his reference to the difficulties about section 72 under which the outstandings of previous years go into the current year. That, however, is a small point, and moreover it is balanced by the fact that there are assets which do not go into one year and will go into the next. Take a share corresponding with 2 per cent. on these items and it will probably be Rs. 100.

As regards the point he raises that the rate stated in the section is wrong, I agree with him. The rate, I think, should be the rate in the year in which the collection is actually made. The effect of the section is to make the Municipality contribute a portion of what has been collected in the previous year instead of paying in advance what is to be collected in the current year.

As to the dispute between the Corporation and the Trust as regards section 79, it seems to me a point on which Government must make their own decision—there is not much difference one way or the other. There is a good deal to be said for both points of view, and I don't suppose the Trust will care which way it is decided. Our object is to get rid of misunderstandings. As regards finance, I agree with the Honourable Mr. MARSHALL REID in the remarks he made as to *budlee* transactions, and as long as I have anything to do with the Trust I don't think there is any chance of our indulging in such transactions. The section seems to me to be quite all right and does not require amendment.

The Honourable Mr. CHIMANLAL H. SETALVAD said: Your Excellency,—Both the Honourable Mr. ORE and the Honourable Mr. SHEPPARD have laid great stress upon the point that the Corporation had agreed to the financial arrangement now embodied in the present Bill, and my honourable friend Mr. SHEPPARD appeared to be shocked by what he conceived to be effrontery on the part of the present President of the Municipal Corporation in trying to go back upon the arrangement. I had the contents of the letter of the Corporation to Government referred to by my honourable friends and I have just glanced over it again. I venture to say that it is not a fair representation of that letter to say that the Corporation agreed to the financial arrangement embodied in the present Bill. No doubt they expressed their assent to those provisions but coupled them with various reservations which are certainly not embodied in this Bill. In view of that to say that the Corporation unequivocally agreed to the arrangement is not a fair representation

to make. In that letter the Corporation after referring to the circumstances under which the Bombay Improvement Trust Act was undertaken in 1897 and to the various assurances that were given in the Legislative Council at the time that the Government contribution would be of a substantial nature, proceed to say that the Government contributions in practice have not come up to what they were promised in the Council and that looking to the heavy responsibility which the Corporation have undertaken and are bound to take in the future, any further increase of the Municipal contribution will be a great hardship to the Municipal Corporation. It is then pointed out that since the Improvement Trust was established the Health Department of the Municipality has been entirely re-organised, its staff has been largely increased and its efficiency greatly improved. The letter next points out the details of the obligations of the City. It says: "Rapidly as the revenue of Bombay has expanded, the growth of the expenditure has been at least concurrent and an examination of the expenditure will show to what extent the sums devoted to the sanitation and the improvement of the City have amounted. It may perhaps be objected that the margin of taxation has not been reached. The obligations of the City however which have to be faced in the near future are of the most serious nature. To mention only the most important of these, there is the duplication of the Tansa water-supply the provision of a proper sewage outfall, the provision of overbridges and the sewerage and drainage of large parts of the Island which are being rapidly filled with new population. Omitting the provision for the improvement of the water-supply, which will be met out of the water-rate, the probable loan requirements for the next five years will probably amount to 160 lakhs. This will entail annual charges of 9.75 lakhs. The margin, however, available between the present and the maximum taxation of the City under the general rate, is only 8.58 lakhs. These figures make it obvious that the present taxable capacity of the City will be fully exhausted, and that any greater contribution to the Trust Funds than is at present made will be out of the question." That is how they describe their financial position and say that "any greater contribution to the Trust Funds than is at present made will be out of the question." Still, they say they will not be unwilling to meet the views of Government and the Trust and agree to a larger financial contribution if Government and the Trust will agree to the proposals they make. Then comes the passage on which my honourable friends rely. It says: "The Corporation trust that it will not be assumed from anything in this representation that they are unwilling to meet all that can be fairly required of them. If the assistance which is asked from Government is forthcoming and if the provisions of section 73 of the Trust Act are repealed, the Corporation will be prepared to assent to the full provision of 2 per cent. on the rateable value being rendered obligatory under section 72 instead of being, as it is under the present wording of the section, entirely optional on their part. They are also willing to agree to section 79 (3) of the Act which allows to the Trust the distribution of annual profits between Government and the Municipality being amended, to allow of such profits being utilized by the Trust for the financing of their schemes on the understanding that the entire property and assets of the Trust, with the exception of the lands specified in Schedule C and Schedule E, will ultimately revert to the Corporation. They are further willing to forego the interest payable to them under section 68 of the Act on lands included in Schedule D, provided Government will forego similar interest on lands under Schedule C and Schedule E. In addition to the deletion of section 73 the Corporation further ask for an amendment of section 80 of the Bombay

Improvement Trust Act on the lines of sections 110 to 112 of the Calcutta Bill which are manifestly more equitable than the provisions of the Bombay Act. It will be recognized, I trust, from the above that the Corporation are perfectly willing to bear a fair share of the burden for the improvement of the City." And then they conclude: "But they ask that assistance may be given them for the proper completion of the great work that has been undertaken, and the reliefs which they suggest should be granted by Government in this direction are as follows:—(1) A subvention to the Trust of 50 lakhs should be made from Imperial Funds and an annual contribution either direct in the shape of a subvention, or indirect in the shape of the foregoing of interest, equal to $1\frac{1}{2}$ lakhs, (2) A duty of 4 annas per bale should be levied on all cotton exported from Bombay. Should the proceeds of this duty fall short of the amount required as an annual income by the Trust which the Corporation are willing to accept at the figure mentioned in the recent application made by the Trust to Government for financial assistance, a grant from the cotton excise duty to the extent of the deficit should be made so long as that duty exists. The Corporation do not consider it necessary at present to enter into any discussion regarding the suitability of this proposal. It is sufficient to point out that a duty of 4 annas will be no hardship on the cotton trade while the grant from the proceeds of the cotton excise duty, should it be necessary to make it, may well be justified by the fact that the greater portion of that duty is realized from the products of the mills situated in Bombay the sanitary services to which are entirely rendered by this Corporation, and the existence of which, however creditable to the industry and ability of the citizens of Bombay, is in fact responsible for many of the problems which the Corporation and the Trust have to meet." To sum up they suggest a subvention to the Trust of Rs. 50 lakhs from the Imperial Funds and the levying of a duty of four annas per bale on the cotton exported from Bombay.

Your Excellency will see that the Corporation after pointing out their financial difficulties in the way of a larger contribution, still express their willingness to increase their contribution provided Government accept their views, namely, a subvention of Rs. 50 lakhs to the Trust and a levy of duty on the export of cotton. All these facts show that the Corporation did not unequivocally agree to the arrangement. They coupled their assent with the reservation that though their financial capabilities were highly taxed they were willing to agree provided Government acceded to their suggestions, and that is exactly the way in which Government themselves looked at the matter as is evident from the resolution of Government. Government themselves in reviewing the situation say: [Reads: "Both the Municipality and the Trust have certain reservations etc."] Thus Government realise the attitude of the Corporation in the matter of increasing their financial burden as indicated in their representation.

Then, again, my honourable friend Mr. SHEPPARD said that all these proposals embodied in the Bill were not new at all and pointed out that every one of them had been there under consideration since 1901, and expressed his surprise that any opposition should be made to them when they are embodied in the Bill.

The Honourable Mr. SHEPPARD: What I said was that no one should pretend that he had not heard of them before.

The Honourable Mr. SETALVAD: I assure my honourable friend that all heard of them before equally with him. But if my honourable friend's contention is that as they

were under consideration before; nobody should now come forward to oppose them, then I say that he forgets that the question of the constitution of the Trust is also as old as each of the other questions. That question has also been under the consideration of the Corporation and the public and that is also not a new question. It is before us ever since the Improvement Trust Act was passed and has come before us now when the amendment of the Act is undertaken.

Your Excellency may be aware that the original Act of 1897 was passed in a great hurry almost in a panic, and at that time the Corporation made its position clear that they did not want to come in the way of anything that was done to stamp out plague. Since then we have gained experience and the time has now come, when we take up the amendment of the Act, to consider the whole question, including the constitution of the Trust. In this very letter of the Corporation on which so much stress has been laid by my honourable friends Mr. ORR and Mr. SHEPPARD and which was written in February 1911, a reference is made to the constitution of the Trust. After referring to the history of the Act of 1897, this is what they say : "The Corporation recognized at the time, as they do now, that the intentions of Government were sincere and laudable and they thus acquiesced in the constitution of the suggested Trust, notwithstanding the fact that the direct representation of the Corporation on the Trust was limited to 4 out of 14 seats, while the liabilities devolving on the City were heavy in immediate effect and in the ultimate possibility of failure of the Trust operations, unlimited." Your Excellency will see that in this very letter relied on by the Honourable Mr. SHEPPARD as constituting an agreement on the part of the Corporation—even there—they point out that when the Act was undertaken in 1897 they contended that the constitution was not quite what it ought to be and they refrained from making any protest which might hamper the immediate passage of the measure. Your Excellency will see that the question of the constitution of the Trust is as old as any of these questions, and as we now take up the amendment of the Act on such a large scale, the Corporation may well ask, as they have asked, that the question of the constitution of the Board should be also taken into consideration in the manner indicated in their representation, in view of the fact that increased financial resources, mainly drawn from the Corporation, are to be placed in the hands of the Trust under the amending Bill.

The Honourable Mr. M. B. CHAUBAL, in replying to the debate, said:—Your Excellency,—Most of the points which have been referred to by the different speakers in the course of the discussion are points which can be determined or decided upon one way or the other at the meetings of the Select Committee. The first point is in respect of sections 72 and 73 and it is urged that retrospective effects be given to both the sections. The other points relate to sections 28, 31 and 32. I think all the points raised in connection with these sections are peculiarly for the Select Committee to consider and determine. I may, however, mention that the work of the Select Committee is likely to be quicker and smoother owing to Your Excellency having ruled out of order the amendment which stood in the name of the Honourable Sir PHEROZESHAH MEHTA; and although the amendment was ruled out of order, we have had ample discussion on the subject in spite of the ruling. I cannot claim to have studied the old politics and history of this measure in the manner the Honourable Sir PHEROZESHAH and the Honourable Mr. SETALVAD claim to have but I was certainly amused to see the spirit of antagonism with which the two bodies, the Municipal Corporation and the Improvement Trust have been trying to

look upon each other. As a matter of fact, however, it would appear that when originally ways and means were considered for carrying out the urgent purposes aimed at by the Act, it was unanimously thought that a body constituted like the Trust was peculiarly adapted to carry out the new schemes and was the only one which under proper safeguards could be entrusted with large statutory powers.

The argument about raising the number of Municipal representatives on the Improvement Trust takes two different aspects. The Honourable Sir PHEROZESHAH M. MEHTA did not raise the old question which he tried to raise in 1907, that on account of the interest of the Municipality and on account of the contribution which the Municipality was to make under the original Act, the representation of the Municipal Corporation on the Improvement Board was insufficient. That was not the point which he raised so much now. His argument now is that because the present amendment of the Act was going to raise the Municipal contribution to the finances of the Trust, that therefore the four valiant knights who represented the Municipality on the Board were insufficient properly to safeguard and protect the interests of the City and the Corporation and therefore two more members were required to be added. That, as I understand, seems to be the argument as to why this amendment should come into the present Bill. The present is an amending Bill and it is argued that as the Bill imposes further liability upon the Municipality, they must have further representation on the Board by having six instead of four members. But I submit that those members who ask for a larger representation of the Municipal Corporation on the Board of the Trust forget the original conditions under which this Act came into operation. So far as I have been able to look into the transactions and the preliminary deliberations of the Act of 1898, it was then solemnly discussed which body it was that was going to carry out the large schemes,—whether it was to be the Corporation itself or whether it was to be a Committee of the Corporation or whether it was to be a separate Trust. You will find that in regard to the question which of these three were to carry out the new schemes for the improvement of the City, the Corporation itself by a large majority decided in favour of the last, namely, the constitution of a separate Trust. In order to constitute a separate Trust it was necessary to invest it with large statutory powers—powers of raising loans, interfering with the rights of private properties for the purpose of street schemes and improvement schemes—had to be given to that body and as your Excellency has explained in your speech the Government of Bombay as it was then constituted, and the Government of India and the Secretary of State would have absolutely refused to give their consent to the passing of any Trust Act at all unless the constitution of that Trust secured perfect Government control and supervision over the operations of the Board. That was the main argument and which, I need not remind Sir PHEROZESHAH MEHTA, was put to him by Sir STEYNING EDGERLEY in 1907: and it ought to be obvious that though the object of the amendment intended to be proposed was to increase the representation of the Corporation, its necessary result would have been to weaken the Government control that was then considered indispensable.

But apart from this, on the merits of the question, it seems to me of importance to note that it is not urged that a larger representation is wanted because in its history of 8 or 10 years, the Trust has failed to carry out any of the objects for which it was constituted or that the administration of the Trust is not carried out satisfactorily or that it has been so mismanaged and misadministered that it is not well adapted to efficiently carry out the original object with which it was constituted. Nothing like that has been pointed out.

The Honourable Sir PHEROZESHAN :—I thought your Excellency's ruling precluded me from doing that.

The Honourable Mr. CHAUBAL :—I am only dealing with the argument that a larger representation is wanted because the amending Act is going to do something which requires it. This argument is that so long as the Corporation's contribution was five or six lakhs of rupees only the four representatives were enough but directly it increases to nine lakhs, the number of the Corporation's representatives on the Board of the Trust should be raised from four to six. But I think this is not a matter which has to be decided by any rule of three. We know from the instance of the Honourable Sir PHEROZESHAN himself that one man may usefully guide with his wisdom the deliberations of a numerically large public body, although that body may consist of representatives of different interests. It was very appositely remarked by Mr. ORR that if you follow that kind of argument we shall have to change the number of representatives in the Corporation itself according to the increased revenues that body has to manage. If at the time its revenue was 35 lakhs only rate-payers sent a certain number of representatives to the Corporation, now that the revenue had increased the whole constitution of the body should be changed? It is practically an argument of this kind that has been employed by those who ask for a larger number of representatives of the Corporation on the Trust. But looking to the original condition under which the Government of India and the Secretary of State for India granted their sanction to the original Bill, I do not think that the amendment which was sought to be introduced could have been entertained as an amendment to the Act of 1898 much less to the present Bill. I am certainly glad to note that the course of this Bill in the Select Committee would be easier after the ruling which your Excellency has given, which means that a radical amendment which goes to the root of the original Act should not be discussed as an amendment to the present Bill with its proper scope.

In dealing with the smaller points I find that in my opening speech my remarks about section 41 were taken from what appears in the statement of objects and reasons. I find however that the particular interpretation which the Honourable Sir IBRAHIM RAHIMTOOLA is contending for is probably correct. But this is a thing which can very easily be amended in the Select Committee. There are other small points of the same kind which need not be referred to here. Then as regards the contention about the amount which it is said will be wrongfully kept by the Board, if retrospective effect is given to section 73 and not to section 72, that I suppose is a point on which we will easily come to some agreement in the Select Committee. Mr. SETALVAD said that the Corporation did not agree to the arrangement embodied in the financial statements but they gave their assent to it under certain reservations. It may be that the Corporation did not agree but they certainly did not object to it, and it is therefore perfectly open to say that so far as the present financial clause goes there is practical harmony between all—the Government, the Corporation and the Trust. I, therefore, now move that the Bill be read a first time.

Bill read a first time.

The first reading of the Bill was then passed.

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—The Bill having been read a first time, I now propose that it be referred to a Select Committee consisting of the following Honourable Members :—Mr. ORR, Mr. SHEPPARD, Sir PHEROZESHAN, Mr. LALLUBHAI, Sir IBRAHIM, Mr. FAZULBHOY CURRIMBHOY, the Advocate General

(Mr. JARDINE), Surgeon General STEVENSON and the Mover. I think in the constitution of this Select Committee, although the number looks somewhat larger than usual, care has been taken to put in as members such as are now available who had served on the Bill of 1907. These Honourable Members represent all the different interests that are involved in the Improvement Trust Act. But it is necessary, I may mention, that the sittings of the Select Committee should commence as soon as the business of this Council is over and be held *de die in diem* so far as possible. As I have already mentioned, most of the points are points of agreement between the three bodies concerned, namely Government, the Trust and the Corporation, and the points of difference are small. I think the business of the Select Committee can be gone through within two or three days, and the time may be fixed one month hence for the submission of the Committee's report to Government, so that the Bill may be on for the second reading at the September meeting of the Council.

The Honourable Sir PHEROZESHAH :—Your Excellency,—I submit it would not be fair to the Corporation not to give it some opportunity of having its views placed before the Select Committee. If the Select Committee proceeds to sit upon this Bill at once, the Corporation would not have any opportunity of placing their further views on the specific clauses of the Bill. I request on behalf of the Corporation that some time should be given them to send in their representation so that it may be placed before the Select Committee.

His Excellency the PRESIDENT :—That would be arranged by the Select Committee when it meets for the first time.

Bill referred to a Select Committee.

The motion was agreed to.

BILL NO. II OF 1911 (A BILL FOR THE REGISTRATION OF CHARITIES.)

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Your Excellency, I have again to ask the Council's permission to postpone consideration of the second reading of the Bill. On the present occasion the delay has been caused by the report of the second Select Committee, which the Council appointed in May last at Mahableshtar, not having reached the Government of India in sufficient time. I am hopeful that when the Council next meets in September we will be able to proceed with this Bill. I now ask Your Excellency's permission to move that the consideration of the Bill be postponed till the next meeting of the Council.

Second reading of the Bill postponed till the next meeting of Legislative Council.

This was agreed to.

The Council then adjourned till 11-30 a. m. on Wednesday the 10th July.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

Poona, 9th July 1912.

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

The Council met at Poona on Wednesday, the 10th July 1912, at 11-30 A.M.

P R E S E N T :

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G.,
G.C.I.E., Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. MAHÁDEV BHÁSKAR CHAUBAL, C.S.I.

The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Sardár LAKHAMGAUDA BASAVPRABHU, Sar Desái of Vántmuri.

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

The Honourable Mr. DUNCAN CARMICHAEL.

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

The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.

The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.

The Honourable Sardár PURUSHOTTAMDAS VIHARIDÁS DESÁI.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.

The Honourable Sardár NARAYANRAO GOVIND *alias* BABA SAHEB GHOPEDE,
Jághirdár of Ichalkaranji.

The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Ámod.

The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.

The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁV, Ráje of Málegaon.

The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR.

The Honourable Mr. LALUBHAI SÁMALDÁS MEHTA.

The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Mr. G. P. MILLETT.

The Honourable Sardár Ráo Bahádur YASHAVANTRÁV TRIMBAK MIBIKAR.

The Honourable Sardár Dávar KÁIKHOSRO EDALJI MODI.

The Honourable Sardár COPOOSWÁMY VIZIARUNGUM MOODLIAR.

The Honourable Dr. TEMULJI BHIKAJI NARIMAN, L.M., F.R.M.S. (London).

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. F. G. PRATT, I. C. S.

The Honourable Mr. R. D. PRIOR.

The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Mr. MARSHALL F. REID, C.I.E.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
 The Honourable Surgeon-General H. W. STEVENSON, C.S.I., I. M. S.
 The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
 The Honourable Mr. C. H. WILSON, C.I.E.

**BILL NO. VIII OF 1912 (A BILL TO AMEND THE
 BOMBAY MEDICAL ACT, 1912).**

The Honourable Mr. C. H. A. HILL, in introducing the Bill said :—Your Excellency,—
 I do not think that the small Bill for which I am responsible for the amendment of the Bombay Medical Act, No. VI of 1912, need detain the Council long. Section 2 of the Act, No. VI of 1912, regulates the manner in which members shall be appointed to the Medical Council and lays down that the Medical Council shall consist of thirteen members appointed in the following manner, *viz.* two members elected by the medical practitioners who, for the time being, are practising in the Bombay Presidency and are registered under this Act (or in the case of the first election are qualified to be registered under the Act), and who are not graduates in Medicine or Surgery or Licentiates in Medicine and Surgery of the University of Bombay. Clause 4 of the same section lays down: "No person shall be eligible to be a member of the Medical Council unless he is (a) a member of the Indian Medical Service, the Royal Army Medical Corps, the Army Medical Staff, or the Royal Naval Medical Service and is for the time being serving in the Bombay Presidency, or (b) a medical practitioner for the time being registered under the Medical Acts, and residing in the Bombay Presidency, or (c) a graduate in Medicine or Surgery or a Licentiate in Medicine or a Licentiate in Medicine and Surgery of the University of Bombay for the time being registered under this Act". By an unfortunate omission of a few words, the words which occur to safeguard clause (d) of sub-section (2) of the section, it has happened that for the first election for the Medical Council graduates in Medicine or Surgery or in Medicine and Surgery, and Licentiates in Medicine and Surgery of the University of Bombay will not be eligible for the first Medical Council. This Bill is designed to remedy this omission and it is proposed in sub-section (4) to add after the word "Act" the words "Or in the case of the first election qualified to be registered under this Act". As however under section 4 of the Act the Medical Council shall hold their first meeting within three months of the commencement of this Act, it is essential that this amending Act, if we are not to exclude licentiates and graduates in medicine of the Bombay University, shall be passed as speedily as possible, and I will therefore ask your Excellency to be so good as to suspend Rule 32 of the Rules of Business in order that the eighteen clear days, which are the limit within which a motion that a Bill be read a first time shall be accepted by the Council, may not be required. Unfortunately eighteen clear days have not elapsed since the first introduction of this Bill by publication and I will ask your Excellency to be so good as to suspend Rule 32.

His Excellency the PRESIDENT :—As this Bill is entirely non-contentious and merely intended to remedy an obvious oversight in the original Bill, I agree to suspend the order in question.

Suspension of standing order.

The Honourable Mr. C. H. A. HILL :—Your Excellency,—I now have the honour to move that Bill No. VIII of 1912, a Bill to amend the Bombay Medical Act, No. VI of 1912, be read a first time.

Bill read a first time.

The first reading was carried.

The Honourable Mr. C. H. A. HILL :—Your Excellency,—Under Rule 34 of the Rules of Business, it is not essential that the Bill be referred to a Select Committee, and I therefore move, under Rule 34, that Bill No. VIII be read a second time.

Bill read a second time.

The Bill was then read a second time.

The Honourable Mr. C. H. A. HILL :—Your Excellency,—I beg to move that Bill No. VIII of 1912 be read a third time and passed.

Bill read a third time and passed.

The third reading was also carried and the Bill Passed.

**BILL NO. IV OF 1912 (A BILL FURTHER TO AMEND THE BOMBAY
A'BKARI ACT, 1878).**

The Honourable Sir RICHARD LAMB said :—Your Excellency,—In moving the second reading of the A'bkari Act Amendment Bill* I do not desire to add anything to the report of the Select Committee which sufficiently explains the changes made in the Bill since its first reading. I wish only to explain the presence on to-day's agenda of the amendments to the Bill, as amended by the Select Committee, which stand in my name. When the permission of the Government of India to the introduction of the draft Bill was received by your Excellency's Government the permission was subject to certain remarks. Of these remarks effect was given to some before the Bill was introduced, some were reserved for consideration in Select Committee and have been disposed of there, and some were referred back to the Government of India for further instructions. These further instructions were not received until after the Select Committee's report had been published; and the amendments which I shall move at a later stage are drafted in accordance with these instructions. I will speak further on each of these amendments as it comes up. I move that the Bill be read a second time.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said :—Your Excellency,—I wish, at this stage, to express my sincere gratitude to the Chairman of the Select Committee, the Honourable Sir RICHARD LAMB, for sympathetically considering the views of the non-official members in connection with this Bill in the Select

* The report of the Select Committee and the Bill as amended were published in the *Bombay Government Gazette*, Part VII, on the 14th June 1912.

Committee and meeting their wishes as far as the circumstances of the case permitted. I am quite sure that were it not for his tact and sympathy as Chairman, the report of the Committee would not have been unanimous. If I have to press any amendments it is from the consciousness that they are desirable in public interests and that they are expedient in order to secure perfectness to the Bill.

Bill read a second time. The second reading of the Bill was carried, and the Bill
Consideration of the Bill was then considered clause by clause.
clause by clause.

The Honourable Sir RICHARD LAMB proposed an amendment to clause 1. He said :—Your Excellency,—The first amendment that stands in my name is to omit from sub-clause (d) of clause 1 the words, “with the previous sanction of the Governor General in Council.” It may perhaps be convenient if I deal also at the same time with the second amendment in my name, *viz.*, that in clause 3—the omission from clause (a) of section 11 of the Act the words, “with the previous sanction of the Governor General in Council.” These words were inserted in the Bill, when it was presented to the Council at its first reading, under instructions from the Government of India. Your Excellency’s Government represented to the Government of India that these words were really superfluous, and were not consistent with the general policy adopted in recent days of avoiding so far as may be practicable the direct control of the Government of India in matters of detail. We pointed out to the Government of India that in the Indian Forest Act they have quite recently passed legislation leaving out these words and substituting for them the more general terms “subject to the general control of the Government of India.” Further, we stated that the Government of India might rely on our following, without the necessity of referring to them for separate sanction in each case, the general policy laid down by the Government of India in respect to the control of liquor, and that it would be even unnecessary to insert the more general words “subject to the general control of the Government of India.” The Government of India have been pleased to accede to these recommendations, and I accordingly move that these words be omitted from clause 1 (d).

This amendment was carried.

His Excellency the PRESIDENT :—There is an amendment to the same clause on the paper in the name of the Honourable Mr. KARANDIKAR.

The Honourable Mr. KARANDIKAR :—Your Excellency, I do not wish to propose this amendment. I withdraw it.

His Excellency the PRESIDENT :—Then we may understand that the amendment is withdrawn.

The Honourable Mr. KARANDIKAR :—Yes, Sir.

Clause 1 of the Bill was then passed.

Clause 2 was then passed.

His Excellency the PRESIDENT :—We now take clause 3 of the Bill, to which the Honourable Sir RICHARD LAMB has an amendment.

The Honourable Sir RICHARD LAMB:—Your Excellency, I have already explained the reasons for this amendment. I move to omit from clause (a) of section 11 the words “with the previous sanction of the Governor General in Council.”

This amendment was carried.

Clauses 4, 5, 6 and 7 were passed.

The Honourable Mr. KARANDIKAR had given notice of amendment to move for the insertion of the words “prohibit absolutely or temporarily the sale of any excisable article within certain specified areas, or” after the words “*Bombay Government Gazette*” in section 17 (1), (clause 8).

The Honourable Mr. KARANDIKAR:—Your Excellency, this amendment also I beg permission to withdraw.

Clause 8 was passed and so also clauses 9 to 21.

The Honourable Sir RICHARD LAMB next proposed the following amendment to clause 22:—

To insert below section 38C the following section:—

“38D. (1) When any person who in the presence of any officer of the A'bkári Department not lower in rank than a Sub-Inspector has committed or has been accused of committing an offence under this Act refuses, on demand of such officer, to give his name and residence or gives a name and residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond; with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in British India, the bond shall be secured by a surety or sureties resident in British India.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.”

He said:—Your Excellency,—I would explain that this amendment is introduced principally with reference to offences in cocaine. The Collector of Bombay represented to this Government that it was extraordinarily difficult to deal with many cases, which arise in Bombay, of offenders in respect of dealings in cocaine, who are of no standing, and who are extremely difficult to trace unless their correct names and addresses have been ascertained. We therefore proposed to the Government of India that it was essential that officers of the Excise Department should have powers similar to those exercised by the police under section 57 of the Criminal Procedure Code. In making this proposal Government were only following the precedent laid down in section 35

of the Madras Abkari Act of 1886. The Governor in Council is of opinion that a similar section should be in the Bill to amend the Bombay Abkari Act now before the Council. There is no information before us that the section as applied in Madras has given rise to any inconvenience, and the representation of the Collector of Bombay leads us to believe that the conferment of this power on excise officers is necessary to strengthen his hands in dealing with the series of offences which are committed in connection with cocaine. The words themselves have been drafted on the lines of the section in the Madras Act and of section 57 of the Criminal Procedure Code. I move therefore Sir, that after section 38C there be inserted section 38D. I will not trouble the Council to read the section as it is before them on the printed paper.

The Honourable Mr. KARANDIKAR :—Your Excellency,—I beg permission to move a little change in the wording of section 38D. It is that in the second line instead of the words “not lower in rank than a Sub-Inspector” the words “of such rank as Government may prescribe” be inserted. My reason for suggesting this change is that so far as the Abkari Act is concerned, the Act itself does not create the post of Sub-Inspector. The wording used in section 41 (1) (clause 25 of the Bill) is “every Abkari officer not below such rank as Government may prescribe,” and it would be only consistent to use similar phraseology here.

The Honourable Sir RICHARD LAMB :—I am quite willing to accept the verbal alteration suggested by the Honourable Mr. KARANDIKAR.

Clause 22 thus amended was carried.

Clauses 23, 24, 25 and 26 were passed.

The Honourable Sir RICHARD LAMB moved an amendment to clause 27 as follows :—

(1) *To omit* from sub-section (1) of section 43 the words “before a Magistrate.”

(2) *To add* below the same sub-section the following :—

“Provided that when any person is convicted under this sub-section of any offence committed in respect to cocaine or any of the synthetics thereof, he shall be punished on first conviction with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and on any subsequent conviction with imprisonment for a term which may extend to two years or with fine which may extend to four thousand rupees, or with both.”

He said :—Your Excellency,—the words of the amendment are sufficient to show that it is intended to strengthen our hands in dealing with the illicit traffic in cocaine. All honourable members will recognise that this amendment is in no sense a fiscal measure, and is directed entirely to checking so far as it is in our power to check illicit dealings in cocaine. We do not gain any benefit to our revenue by checking this traffic in cocaine, but it is I am informed one of the most harmful substances which can be taken as an excitant or as an intoxicant. It has therefore seemed to us that it is necessary in order to apply a more forcible check than is at present possible to increase the maximum limits of punishment which may be inflicted in cases where cocaine has been imported or transported or possessed. Quite recently in Bombay there was a case in which cocaine valued at no less than Rs. 20,000 was dealt with by the Acting Chief Presidency

Magistrate. He found himself in the position that he could only impose fines up to Rs. 250 for dealing with this immense amount of the drug. We therefore represented to the Government of India that powers should be given to us to deal with offenders in cocaine more severely than with illicit traffickers in other excisable articles. If the proviso, which it is proposed to add, be accepted by the Council, it will be necessary to strike out from sub-section (1), section 43, the words "before a Magistrate," because the enhanced punishment, which may be imposed, under this proviso, will not be in all cases imposable by a Magistrate. He will have to commit to a higher authority. Moreover the words are entirely superfluous and need not be retained in sub-section (1), even for dealing with the cases mentioned in that sub-section. In any case, the offender must be taken before a Magistrate, and it is quite unnecessary to insert these words in the clause. It is quite sufficient to say "on conviction" leaving the ordinary law to decide by what Court the conviction shall be made. The proviso makes provision for the punishment of first offenders in respect to cocaine, these being liable to imprisonment for one year or a fine of Rs. 2,000. Such punishments are double the maximum limits of punishment in respect to other excisable articles. It goes on to provide that on a second offence the sentence may be enhanced to double these maximum limits. The intention of the clause is that subsequent convictions can be in respect of any one of the offences regarding cocaine which are mentioned in clause (a) of sub-section (1), of section 43. My friend the Honourable the Advocate General advises me that the words as they stand are sufficient for securing that if for instance a man is convicted of transporting on a first offence he will become liable to the enhanced maximum limit of punishment if his second offence is in respect to possession or importation. That being so, I hope the effect of the section will be that whenever any person is convicted of any one of the offences with regard to cocaine he will, if he goes before a Magistrate again, become liable for the enhanced punishment even if the second offence is not exactly the same offence as his first offence. With this explanation I move that the modification in section 43 be adopted.

His Excellency the PRESIDENT:—I think we are all aware that the cocaine habit is growing in our midst, and that in that habit we are face to face with a very real danger to public health and morality. The detection of this insidious trade is never an easy matter, and therefore it has appeared to Government necessary to make the punishment deterrent. I feel sure that all honourable members of this Council will agree with Government in taking that course. I now put the amendment proposed by the Honourable Sir RICHARD LAMB to the vote.

The amendment was carried.

Clauses 28, 29, 30, 31 and 32 were passed.

In clause 33 the Honourable Mr. KARANDIKAR moved an amendment to insert in section 49A after the word "cowardice," the words "or excess."

He said:—I will only say that when the Bill was first introduced in this Council the marginal notes showed that the clause was in spirit the same as section 66 of the United Provinces Excise Act. I find, however, in referring to the section of the United Provinces Excise Act that there are no such words as "who shall be guilty of cowardice." The Police Act, on the other hand, considers this a demerit in a police officer, and it

seems to me that the words have been taken from that Act and introduced in this enactment which enables Government to confer powers of the police on certain Abkari-officers. But this provision takes no account of the excess of zeal on the part of an officer. My submission is that the words "or excess" will act as an equilibrium, or otherwise the Abkari-officers would run away with the idea that they would lay themselves open to the charge of cowardice if they acted with less zeal. But it is necessary to impress upon them that overzeal may amount to an offence. The difficulty is as regards the exact meaning to be attached to the word "excess" so as to cover the sense of excessive zeal. But since the word "cowardice" has not been explained in the Act and is left to the Magistrate to decide what it means, I think the Magistrate will equally well apply his mind to decide the question of "excess." There is one other consideration which tempted me to put this amendment, and it is that on a general review of the original Act as well as of the amendments now proposed it seems as if the offences committed by people against the Abkari Act have been treated more severely than the offences committed by the Abkari-officers themselves. Perhaps the public opinion is not quite accurate in the matter, but in order to leave no room for doubt it would be desirable to introduce the word "excess." This was suggested to the Select Committee, but there it was pointed out—and very properly—that as the provision dealt with punishment and as it had not been submitted to the Government of India, it could not be proposed as an amendment. One of the results of an amendment Bill is like that indeed, and, as it has been often explained that in the case of an amending Bill the Council can only consider it as it is before the Council and no member would be entitled to move any amendment the effect of which does not come within the four corners of the Act. The rule on the point is not quite clear and I venture to hope that Government would represent the matter to the Government of India and obtain their sanction with a view to remove the present difficulty. I now move my amendment.

His Excellency the PRESIDENT:—I suggest to the honourable member that it would be well to qualify the word "excess" by some other words. It should be "excess" of something. If the word "excess" stands alone it does not mean any bad quality.

The Honourable Mr. KARANDIKAR:—I have been looking up dictionaries for a more appropriate expression, and "excess of zeal" is all that I have been able to find.

His Excellency the PRESIDENT:—You then put the words "excess of zeal"?

The Honourable Mr. KARANDIKAR:—Yes.

The Honourable Mr. LALUBHAI SAMALDAS said:—Your Excellency, the Council will perhaps be better able to understand the genesis of my honourable friend Mr. KARANDIKAR's amendment if I give a short history of what happened in the Select Committee. When clause 33 was being considered, my honourable friend Mr. KARANDIKAR and myself pressed for the enhancement of punishment in section 49 by awarding imprisonment for a period of three months or a fine of Rs. 500 instead of a fine of Rs. 500 only as laid down in the Act at present. We said that as large powers were being given to the Abkari-officers, it followed as a matter of course, that punishment for the abuse of those powers must be a deterrent one. The other reason as to why we wanted this amendment in section 49 was that the United Provinces Act had put down the punishment for similar offences (section 67) to an imprisonment of three months. The

Bengal Acts provide for the same term of imprisonment and the Bill for the Central Provinces drawn up by the Government of India officials lay down the same punishment. We were, however, told that a previous sanction of the Government of India was necessary for securing an alteration of the kind in the Act and that serious offences of the abuse of this Act were already punishable under the Indian Penal Code. On a division our amendment was thrown out by 4 against 2. We did not send in a minute of dissent as we did not desire the introduction of the Bill to be delayed as would have been the case if the proposed amendment had been sent to the Government of India for sanction. The Honourable Mr. KARANDIKAR's amendment is an attempt to meet this difficulty. I appeal to the honourable mover of the Bill to accept the amendment in section 49, if he can do so without delaying the Bill in its future stages. If that is not done, the Honourable Mr. KARANDIKAR's amendment will not be of much use.

The Honourable Moulvie RAFIUDDIN AHMAD said:—I do not really understand how the matter has been improved upon by the addition of the words "excess of zeal" because "excess of zeal" does not imply that an officer has gone amiss in the discharge of his duty. The object of the clause is to punish an officer who is guilty of committing an act of cowardice, in the discharge of his duty and the addition of the words "excess of zeal" does not make any improvement at all in the section. If the amendment is adopted, it will make the Council look ridiculous. If there is any excess committed by an officer in the discharge of his duties he may be punished departmentally. So far as the words are concerned, they do not serve the object which Mr. KARANDIKAR has in mind and unless he inserts some appropriate words he would be better advised in withdrawing his amendment.

The Honourable Ráo Bahádúr SHENIWAS K. RODDA said:—"Excess of zeal" cannot be an offence because if an officer works zealously he is sure to be rewarded and not punished. The object of the section is to punish an act of cowardice. If a man has shown excess of zeal, he has not done anything to merit punishment. The amendment put forward by Mr. KARANDIKAR has no meaning whatsoever. I therefore, do not see my way to support the amendment.

The Honourable Mr. J. P. ORR said: Your Excellency,—I must raise my voice in protest against the introduction of "excess of zeal" into this clause. I have a horror of adding anything to the long list of excuses which officers receive from lax subordinates. If we are to add to this list the fear of three months imprisonment, we shall be in a bad way indeed.

The Honourable Mr. KARANDIKAR:—I beg to withdraw my amendment.

Clause 33 was also passed.

Clauses 34, 35 and 36 were then put to the Council and passed.

The Honourable Mr. KARANDIKAR moved an amendment to omit in section 54 (c) (clause 37) the words "and the other contents of such receptacles, packages and coverings, and the animals, carts, vessels or other conveyance used in carrying any such article."

He said:—I ask Your Excellency's and the Council's serious attention to the amendment I bring forward. This section 54 gives power of confiscation in respect

of certain articles in certain cases, and the question is how far that power is to be carried. The section, as it originally stood, read as follows : [Reads]. If the section had not been touched by the present amending Bill, perhaps I would not have been within my rights to stand as I do now. But the little additions that have been made to it here and there entitle us to consider the whole provision. I beg to submit that the words "and the animals, carts, vessels or other conveyance used in carrying any such article" should be dropped altogether. I find from a reported case that the section in question was made a subject of discussion in the Calcutta High Court and the Judges laid down the proposition very broadly. But I think at the same time it is not right that, unless you can prove that the owner of "the animals, carts or vessels or other conveyances used in carrying" the prohibited article is himself the offender or is privy to the commission of the offence, you should confiscate things like this. In this way if you were to push the matter to its logical conclusion you can call upon the Railway Company to hand over for confiscation the railway trucks which carried the contraband articles. Of course, it is obvious, that no such construction can be placed on the section; but as a matter of fact the words are able to cover a case of that kind. In practice, the section has remained unused ever since 1878, and I venture to suggest that if the necessity of its existence is not proved it is much better that it should be left out. You may say it is harmless, because it has not done any harm, but I maintain that it is not consistent to allow in the legislature of a country an enactment which is of no use. Its retention means what we call doing justice with vengeance. The provision does not recommend itself to me and I do trust that the Council will see its way to amend it as I propose. If, however, mere consistency is the object, it can best be secured by passing the alternative amendment of which I have given notice and which I will move at a later stage. I do appeal to the Council not to allow the provision in its present form which is quite meaningless.

The Honourable Khán Bahádur NOWROJEE P. VAKIL said :—Your Excellency,—I am sorry I cannot support my honourable friend Mr. KARANDIKAR in regard to amendment No. 4 that stands in his name in regard to the Bill further to amend the Bombay A'bkári Act of 1878. I admit that section 54 to which he takes exception is a drastic one; still it is one that is essentially necessary for the protection of the A'bkári revenue of Government, and, as the mover of the amendment himself has said, this power of confiscation has been with Government since 1878. It is not a fresh power that they seek to acquire under this Bill. If this power be taken away from Government, offences of the class mentioned in section 54 will increase and the A'bkári revenue will suffer. The measure complained of acts as a deterrent in regard to the commission of offences mentioned in the same section and I am of opinion that it ought not to be abolished.

The Honourable Sir RICHARD LAMB said :—Your Excellency,—My own opinion coincides with that of the Honourable Khán Bahádur NOWROJEE VAKIL. It seems to me that a provision which has been in the Act since 1878 and which, so far as we are aware, has not in practice brought about any undue hardship or confiscations of property which are inequitable ought not to be removed. It appears to me that the effect of a provision of this kind is chiefly deterrent. The cases in which confiscation is enforced must be, I think, very few indeed, but the fact of possessing the power of enforcing confiscation is of very powerful assistance to those who are engaged in checking smuggling. It seems to me that if the power to confiscate carts and receptacles, etc.,

were removed then it would be easy for the smuggler to use carts and receptacles which were not his own and thereby escape the penalty of confiscation. It seems to me it is better to retain in the Act a provision which has been there for the last 34 years.

The Honourable Mr. KARANDIKAR :—Your Excellency,—I have very little to add to what I have already said. There has been no criticism directed to show nor any cases brought forward to prove that the retention of this provision in the Act is justified. No doubt, it has been of very great use to Government in exacting obedience of the law; but not a single case has been pointed out in which it was put into operation. The provision has been in existence for the last 35 years and it has not once been used. I do not see the necessity of it.

The amendment was then put to the vote and lost.

The Honourable Mr. KARANDIKAR next moved to insert in section 54 (c) (clause 37) after the words “any such article” the words “when such animals, carts, vessels or other conveyance are or is the property of the offender.”

The Honourable Mr. KARANDIKAR :—Your Excellency, the amendment I now propose is that when such animals, carts, etc., are the property of the offender then they become liable to confiscation. I have no further arguments to advance, but I will only say that there is justice in the course I propose. If the property, such as is described, belongs to the offender let it by all means be confiscated; but it would not be just to confiscate it if it belongs not to the offender, but to a third party.

The Honourable Mr. G. S. CURTIS said :—Your Excellency,—I submit that the amendment should not be accepted. It is well-known that smuggling over the border of Central India is done by respectable persons who employ subordinates to take the animals on which the contraband goods are carried, and if this power to confiscate the animals and carts is removed then those who are originally responsible for the smuggling would be immune from punishment. Unless the animals carrying goods, which are frequently camels and fast ponies, are liable to confiscation, together with the drug, then it means that the owners of the animals, whose capital is locked up in them, would escape altogether. For these reasons, Sir, I consider that the amendment of my honourable friend should not be passed.

The Honourable Sir RICHARD LAMB said :—Your Excellency,—I have really nothing to add to what I said on the previous amendment and to what has been said by the Honourable Mr. CURTIS. It appears to me desirable to retain as a deterrent the liability to confiscation in the same form as it has existed for the last 34 years.

The Honourable Mr. KARANDIKAR :—I solicit Your Excellency's permission to withdraw the amendment.

The next amendment in the name of the Honourable Mr. KARANDIKAR was to add in section 55 (3) (clause 37) at the end the words “nothing in this Act shall prevent or affect any suit, and the result of any suit, for declaration by a person claiming a property as his own or as not liable to confiscation”.

He said :—Your Excellency,—I have further considered the matter and I find there is nothing in the enactment which prevents a person from going to the Civil Court. I do not propose to move this amendment and beg permission to withdraw it.

Clause 37 and the remaining clauses and the preamble were then passed.

The Honourable Sir RICHARD LAMB said:—Your Excellency,—The Bill having now been read a second time and passed clause by clause with the amendments accepted by the Council, I have the honour of moving that the Bill be read a third time and passed. In making this proposition to the Council I do not think I need add many words to recommend the Bill, as now amended, to the Council. It has been very carefully examined in all its clauses by the Select Committee and I wish to thank the members of the Select Committee for the diligence with which they attended day after day to get the report through within the time laid down for it by the Council and to include in the report every possible amendment on every matter that could come within the range of our knowledge. I think we have now made provision for dealing in an effective manner with ábkári cases by the Excise Staff and for the adequate punishment of offences in cocaine and other excisable articles. Various minor improvements have been introduced into the Bill which render it clearer and more consistent and bring it into line with the other Acts which have been passed in other Provinces of India. I think, therefore, we may look forward to the Bill, when it becomes law, being worked to the great advantage of our excise administration. I move, therefore, that the Bill be read a third time and passed.

Bill read a third time and passed.

The third reading was then carried and the Bill passed.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable Mr. GOKULDAS K. PAREKH said:—Your Excellency,—The Resolution that stands in my name runs thus:—“That the Governor in Council may be pleased to enquire whether, under the present conditions of the toddy traffic, the licensed vendors of toddy in the Chorási taluká of the Surat district can sell pure and undiluted toddy without loss in their business, and to make such alterations in the conditions as to enable them to retail pure toddy at moderate rates.” I may now take it, that it is universally recognized that of all the alcoholic drinks used in India, toddy is the least harmful, it has the lowest alcoholic strength and the highest nutritive qualities. It is also recognized that the interest of revenue cannot justify the continuance of any course of policy, which may drive the people from the use of toddy to more deleterious drinks. I will make an attempt to show that under the circumstances, in which the toddy drink is controlled at present in the Chorási taluká of Surat and many other places, it is impossible for the vendors to sell pure and unadulterated toddy without heavy loss. To avoid confusion of figures, I confine my observations for the present to the Chorási taluká. The toddy traffic is under the control of Government. It is sold by two classes of vendors, namely, shopkeepers and tree-foot booth-keepers, who receive licenses. The tree-foot booth-keepers are authorized to draw toddy from not more than fifty trees and pay a license fee of Rs. 10, when the trees are up to 25, and Rs. 20 when they are more than 25 and up to 50. Among the shopkeepers, there are some who are privileged and whose rights are not sold by auction. The Collector, however, has the discretion of raising their fees at his will from year to year. In other cases, the right of keeping toddy shops is sold by auction. In the case of both tree-foot booth and shop licenses, the licensee has to obtain

a declaration from the owner of trees, that he has given a lease to the licensee to tap a particular number of trees. They are specified in the license, and the licensee is not authorized to sell or keep toddy of any other trees. The licensee has also to give the names of tappers, to whom too licenses are given. The shopkeeper can only sell toddy drawn by these particular tappers and none else. In some cases the vendors have their own trees; in some cases, they are *bond fide* lessees; but in many cases the leases are nominal. The owners draw toddy on their own account and sell them to vendors at a rate which they settle between themselves.

On an average, each shopkeeper sells daily about 20 maunds or 80 gallons of toddy, and therefore 600 maunds or 2,400 gallons monthly, or 1,800 maunds or 7,200 gallons quarterly. The average rent of toddy trees leased for tapping is Rs. 3 per tree. The tree yields juice only for three months in the course of two years. It can yield no more toddy during the year, and the Government tax in the taluká is Rs. 4 per year. A Khajura tree during the season of three months yields on an average from 28 to 32 gallons of toddy. For obtaining 7,200 gallons of toddy, 225 trees are required to be tapped during three months. Now from the statement, which has been placed on the Table and which has been furnished to the members, on the first page the cost of getting 7,200 gallons of toddy is given, which is Rs. 2,120 for three months and Rs. 708-10-8 for one month. The cost of running a toddy shop is given at page 2 which is Rs. 179. The total cost per month comes to Rs. 887. The maximum rate which is fixed by Government for the sale of toddy is four annas per gallon and the sale of toddy at this rate would realise Rs. 675 per month. That being the case, I submit that if a man sells pure toddy at the fixed rate, he would incur a loss of Rs. 200 per month. If, instead of taking leases of trees from the owners, the shopkeepers obtain toddy from them at the ordinary rate of 14 annas per maund, the toddy would cost the supplier Rs. 708, together with Rs. 30 on account of cartage, and Rs. 3-12 for tolls, in all Rs. 742. He would receive for 600 maunds only Rs. 525; thus it would not pay him to supply undiluted toddy; again if the shopkeeper purchase toddy in this way, the cost to him would be Rs. 525 for toddy, and the cost of his shop would amount to Rs. 179, less Rs. 30 for cartage and Rs. 3-12, for tolls in all Rs. 145-8, in all to Rs. 678-8; while he would receive only Rs. 675, which means that the receipts barely meet the cost. The toddy shopkeepers went to the Collector of Surat with an application. They complained of the loss through their business, and the Collector calculated that they had made a profit of Rs. 53,000, out of which they had to defray the expenses of their shops. The Collector's figures omitted a number of charges, and if these charges were taken into consideration, the total income would not exceed the expenses. These figures would prove that instead of gaining anything, the total loss that they would sustain in their business would be something like Rs. 1,16,000. This shows that when the shopkeepers contract with owners of trees, they get diluted toddy, and therefore the shopkeepers also sell diluted toddy. A booth-licensee, if he takes on lease 50 trees, he can sell during any one quarter the toddy of 12 or 13 trees only. The cost of supply and running a booth for three months is Rs. 139. The supply of toddy from 13 trees during the three months would be 416 gallons, which, at the rate of 3 annas a gallon, would fetch only Rs. 78. The figures I have quoted have been compiled after careful inquiry; the Collector relying on the entries of the licensees' books takes the yield to be 33 gallons, but even this would not make much difference. He accepts Rs. 3 as the proper rent of a tree. If Government do not accept

these figures, they can make their own enquiries, or make an experiment of drawing toddy from 3 or 4 Khajura plantations. If my figures are not accepted, it would not be at all difficult to get correct figures.

The Honourable Sir RICHARD LAMB:—If I were to announce that we accept this resolution, it may possibly shorten the discussion.

The Honourable Mr. PAREKH:—I want to point out another important point. When vendors are forced to sell diluted or mixed toddy it is impossible that the large number of A'bkári officials, whose business it is to visit the shops now and then, should remain ignorant of the frauds. One's eyes could not be closed to the fact that the frauds are committed with their knowledge and connivance. The connivance of the lower officials is not likely to be obtained except for consideration. The condition therefore leads to the corruption which appears to me to be a great evil.

With a view to meet the complaints of the vendors that the sanctioned rates of sale were so low that they cannot carry on traffic without incurring heavy losses, the Collector has proposed to raise the rate of sale to 6 annas per gallon ; this would be too high. But I submit that even at this higher rate, it would not pay the licensees to sell pure toddy. It is necessary that to enable pure toddy to be placed within the reach of ordinary people, the tree tax should be much reduced, and the fees of shop-licenses should also be reduced. I also say that the best arrangement would be to fix no maximum rate of sale. The circumstances that the drinking value of toddy varies according to length of time after it is drawn, the age and locality of the trees and other matters make it an unsuitable article for fixing of selling rate .

His Excellency the PRESIDENT:—Will you please make your further remarks as short as possible ?

The Honourable Mr. PAREKH:—I will try to be as short as possible. I may point out that there is no maximum rate of sale fixed for toddy in Bombay shops. I will now draw the attention of the Council to the conditions in the licenses, which are very hard indeed. They are required to destroy toddy two days old or to convert it into vinegar. There are certain conditions which are not at all observed. These restrictions and conditions make toddy business an extremely unpleasant one. I hope that after investigations Government would be pleased to remove those harsh conditions of the license. With these remarks I move the resolution that stands in my name.

The Honourable Mr. GEORGE CAEMICHAEL said:—Your Excellency,—Perhaps it may save discussion if I explain briefly what the present position actually is. I may say that before notice of this resolution was received the matter came under consideration, and orders have been issued by which it is believed it is certain that the license-holders, with a reasonable profit to themselves, can sell pure and undiluted toddy. As members of this Council are aware, the toddy licenses are granted with effect from August and in anticipation of the grant for the coming year the Collector of Surat consulted his Advisory Committee with regard to the number of licenses, and the question which is the subject matter of this resolution had been raised there.

There were many complaints about it, and the Collector took the opportunity of consulting his Advisory Committee on the point, and after discussing the figures they

came to the conclusion that there was some doubt as to whether, under the present rates of license fees, tree tax, and the maximum selling price fixed, it was possible for the license-holders to do their business honestly and make a profit as well. They also took into consideration the objections there were to raising the price of toddy, but they thought it would be on the whole an advantage to raise the maximum selling price and to give the license-holders an opportunity of improving their business in that direction. Accordingly they recommended that the selling price in the case of shops should be raised from $4\frac{1}{2}$ annas per gallon to six annas per gallon, and in the case of tree-foot booth toddy from three annas a gallon to $4\frac{1}{2}$ annas a gallon. It is hardly necessary for me to go into the merits of the case, but taking the statement the Honourable Mr. PAREKH has given regarding the shop depending on 225 trees, I may say the extra profit he would be able to obtain under the new recommendations would be Rs. 675. Now the Collector agreed with the Committee's recommendations and reported the recommendations to the Commissioner and the Commissioner to Government. Government have approved of them, and the orders will come into effect from the 1st August next in the Chorási taluká and the city of Surat and ten miles round.

With regard to the Honourable Mr. PAREKH's figures, he said he had made inquiries so far as he could, but I feel that they are really *ex-parte* figures furnished by the toddy shopkeepers, and I don't suppose any business man who contemplated embarking on any kind of operations would accept them implicitly as showing what could really be done in the trade. I am inclined to class them with the somewhat over-sanguine statements sometimes made by promoters of certain companies, when they issue their prospectuses.

The Honourable Mr. PAREKH says the proper remedy is not to raise the maximum selling price, but to reduce the tree tax and abolish auctions, but I think this Council should approve of the recommendations made by the Advisory Committee, who had all the facts before them, knew the conditions of the trade, and knew the conditions that prevail in Surat. With regard to the rent of trees it certainly is the case that the owners of trees now seem to have the upper hand in the matter of renting their trees, and it is difficult for the license-holders to get trees at a lower rate than Rs. 3 a tree from the owners, but this probably will right itself, because the present high rates are encouraging new planting around Surat at the present moment.

The Honourable Mr. PAREKH proposes that no maximum selling price should be imposed, but I think this somewhat inconsistent with the first part of his speech, in which he said that it was not right to raise the maximum selling price. Then, with regard to the collection of information on the subject, the Honourable Mr. PAREKH said that the Collector did not take into account a large number of items of expenditure which undoubtedly fall upon the licensees. I think it is absurd to say the Collector did not notice them. All he did was to take the difference between the tree tax and the total license fees, and the total was arrived at by multiplying the maximum selling price by the number of gallons sold. He was perfectly aware that the licensee would have to meet many other charges; in fact, there is an order of the Commissioner of Customs that every year the Excise Staff should inquire into all the details mentioned by the Honourable Mr. PAREKH, and in course of time, as the inquiry extends, this information will gradually become more and more valuable. It is an annual report which has to be submitted by

the Collector. In these circumstances, I think, there is no occasion at present for any further action.

The Honourable Sardár DÁVAR KAIKHOSRO EDALJI MODI said :—Your Excellency,— I will premise by saying that I am very grateful to Your Excellency's Government for the sympathetic and liberal measures which in recent years have been introduced in this Presidency for the regulation of the toddy traffic as well as for the sale of toddy shop licenses. Rack-renting has now been abolished and fair prices have been ordered to be charged. It is indeed a difficult thing for the Collector to fix fair prices for licenses of shops, for so many things require to be taken into calculation that he is liable to err on one side or other. But the system so far has proved to be good, and I venture to submit that worked honestly it is bound to produce greater good in the future. There are a great many minor points for complaint to which my honourable friend Mr. PAREKH has not referred in his speech and with which I am in sympathy. I will not enter into a discussion on the contested figures as to the cost of production and labour and the sale of toddy; but I must say that the toddy trade generally still feels and complains of the burden of taxation, even though it has been so liberally reduced. Speaking broadly, the real way in which relief can be given is to reduce Government fees of shop licenses and tree taxation, and this the Collector can be safely left to do with due regard to the interests of revenue as well as the people for whom good toddy is to be provided. Heavy taxation defeats its own ends by leading to the adulteration of toddy and all the evil consequences thereof. I beg to submit that if fresh toddy is made available by reduced taxation, its dilution or adulteration with water, quassia, saccharine and such articles to which the trade is driven will practically cease, and be a thing of the past, for the buyers will go in for fresh toddy and reject the diluted stuff. I would strongly suggest that the present system of fixing the prices should be abolished entirely. It is not practical and leads only to dishonesty. It may not be known to the Honourable Mr. PAREKH; but I believe the able and shrewd Collector of Broach has already submitted proposals to the Commissioner of Customs for the total abolition of the present system of fixed prices as being beyond the control of the department. There are no cases of adulterated toddy which the A'bkári Inspectors have successfully brought before the Magistrate, and the reason for this is that it is difficult to prove adulteration. Under the present system it takes two or three days before a case can be brought before a competent Magistrate, and in the meanwhile the toddy gets acidulated and the offender escapes. There is no means by which the Inspector can fix the crime upon an offender, and so the only course open for Government is to make it possible for people to get fresh toddy by abolishing unworkable and annoying restrictions. That, I think, should be the aim and object of all regulations relating to toddy, and this can only be secured by a reduction of taxation on production and distribution. The present tree tax is an unfairly burdensome one; and the prices of licenses for shops can be steadily reduced every year by a wise exercise of the discretion with which the Collector is vested.

There are certain abuses which have crept in on account of the severe conditions introduced in the licenses. I think the harder you make the law the greater is the temptation and susceptibility to defeat it. Now, there is a departmental rule—and a wholesome rule—that no man can have two licenses. But some licensees of country liquor shops try to evade this rule by putting forward their nominees and to get through them licenses for selling toddy also. To meet such cases, I think, it should be made the duty of the

Inspector to call upon the country liquor sellers and see that they do not practise such evasion. It is a departmental matter, but I think the rule should be strictly enforced. Then, it would be a very good thing for the toddy trade if the country liquor seller is not allowed to open his shop in the neighbourhood of a toddy shop. Unfortunately the tendency of the department is to abolish toddy shops in preference to liquor shops. In my opinion it would conduce to the health of the public if it were ordered that wherever there are two such kinds of shops together, namely, a country liquor shop and a toddy shop, preference should be given to the toddy shop and the highly deleterious country liquor shop should be removed from there.

Then, as regards the restriction of quantity of liquor to be sold per head, practically as the Honourable Mr. PABEKH has pointed out, that rule is not observed. It is easy to evade it. For instance, a man goes to a liquor shop, purchases a gallon or two of liquor, and leaves it. Another man then enters the shop, buys a similar quantity of liquor and walks out. A third man then appears and does the same thing. They mix up the whole quantity outside the shop. There is really no means of preventing this, and if that is so, what is the use of having a rule fixing the maximum quantity of liquor to be sold to one individual? The system of license is, as a rule, good and necessary, but its conditions should be workable and such as can be practically enforced by the A'bkári Inspector. It is usual to put in conditions in the licenses which are not practical and do no benefit either to the public or to the trade; perhaps only to the Excise Inspector having slender regard to conscience.

My next point is that the facilities of transport from one district to another should be restricted, and in that way the cause of temperance should be promoted. There may be a larger number of toddy trees in one district than in another, and if the excess of production of toddy is allowed to be transported from one district to another, it ruins to some extent the trade of the district to which it is transported. I think the best course would be to allow the consumption to be restricted to the district in which the toddy is produced. Indeed, Government cannot control the cost of production and labour, but they can indirectly lighten the incidence of taxation by reducing their own fees, not on the trees alone but upon the shops too. In my opinion toddy shops should not be abolished as far as possible, but should be encouraged. What should be discouraged is the abominable country liquor shop. Toddy is nothing else but the beer of this country. It does not do such harm to the people as does the country liquor. It is the country liquor which is the real cause of the mischief, and should be discouraged. But unfortunately the liquor shop is the pet child of the A'bkári Department, and is tenderly regarded, whilst toddy shops are ruthlessly abolished in preference; but, as I have pointed out, it should be quite the other way and wherever there is competition between a liquor shop and a toddy shop, the liquor shop should go.

Your Excellency,—There are very many other points, but I do not wish to take up the time of the Council. I, however, feel that if an inquiry is made on the lines suggested by the Honourable Mr. PABEKH, and if information is called for in full details from responsible officers, including even the Excise Inspectors who practically work the system, Government would see their way to reduce the burden of the toddy trade. It is not only the Chorási táluká alone, where the toddy trade does not thrive, but the grievance is general in other districts also.

His Excellency the PRESIDENT :—The honourable member has exceeded his fifteen minutes. I hope he will finish and come to his conclusion soon.

The Honourable Sardár Dávar MODI :—Well, I have stated my points, Your Excellency, and that is enough.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—With Your Excellency's permission might I intervene at this stage, because I should like to assure the Honourable Mr. PAREKH, as I have already privately intimated to him before he spoke at all, that I am quite willing there should be inquiry into the conditions in this matter. The Honourable Mr. CARMICHAEL has spoken on the subject and has explained that orders have been issued that the maximum selling price of toddy at shops should be increased to six annas and tree-foot toddy to $4\frac{1}{2}$ annas. This will apply for the toddy year commencing August 1st next. When the licenses of the year have once been issued conditions cannot very well be altered in that year, but the matter has been considered in consultation with the Commissioner of A'bkári, and I am perfectly willing that during the current year the matter should be further inquired into. The resolution runs in these terms : "That Government may be pleased to inquire," etc. I am willing to accept that resolution and to direct inquiry to be made into the subject. I hope this will save the time of the Council and will save my learned and honourable friend Mr. PAREKH from dealing at further length with the subject which is before us.

His Excellency the PRESIDENT said :—I think after the Honourable Sir RICHARD LAMB has explained the views of Government the subject has been sufficiently discussed. Therefore I ask the Honourable Mr. PAREKH to make any remarks he considers necessary in the changed circumstances.

The Honourable Mr. PAREKH, in reply, said :—Your Excellency,—I will not take up the time of the Council. I submit that the increase of rate for the sale of toddy would not in any way materially reduce the loss of the toddy dealers. I submit that there should be a reduction of the tax on toddy trees and a reduction of the fees on toddy shops and harassing restrictions and unnecessarily harsh conditions should be removed.

The Honourable Sir RICHARD A. LAMB said :—Before the resolution is put to this Council I would like to add one word. Of course in agreeing to make this inquiry I do not commit myself to accept any one of the specific remedies or alterations the Honourable Mr. PAREKH suggests. The only object is to inquire into the facts and to see what remedy is applicable. I do not commit myself to the abolition of auctions, to the reduction of the tree tax, or to any other action which he has recommended; I only commit myself to inquire into the state of things now existing and to see what action should be taken in the matter.

The resolution was then agreed to.

The Honourable the JA'GHIRDA'É of ICHALKARANJÍ moved :—“This Council recommends to His Excellency the Governor in Council that the restriction imposed by section 85 of the Bombay Land-Revenue Code on holders of alienated villages in which there exist hereditary Patel and accountant in the matter of receiving their dues on account of rent or land-revenue direct from the inferior holder be removed by repealing section 85 of the Land-Revenue Code or if that is not possible to order that the revenue of alienated

villages should be recovered by the processes mentioned in section 150 of the Land-Revenue Code without it being necessary for the Inámdár to apply for assistance."

He said :—Your Excellency, perhaps the honourable members are aware that under the old rules whatever suggestions a member had to make in which the legislature was interested, he had to lay them before the Council at the time of the discussion on the Budget. But now we have to move resolutions in order to bring any particular grievance or matter to the notice of Government and the Council. The resolution of which I have given notice can be called an alternative proposal. In the first part of it I desire that the restriction imposed by section 85 of the Bombay Land-Revenue Code should be removed by amending the Code, and the reason why I have brought this matter before the Council is that it may be taken into consideration in view of the proposed general revision of the Land-Revenue Code. My proposal is more in the nature of a suggestion to Government in connection with the revision of the Code than a resolution to which immediate effect should be given.

At the outset I must remind the Council that the restriction imposed by section 85 of the Land-Revenue Code is a restriction newly imposed by this Act. Before the passing of this Code the inámdár or the superior holder was entitled to demand and receive payment of his dues from the inferior holder on passing receipt for the same. But that natural right of the inámdár was withdrawn by this section 85. Now, when I urge that this section be taken away, I do not mean to say that the inámdárs be invested with any new powers, but what I mean is that the disability imposed upon them by this section be removed. From year to year I have urged in this Council that the inámdárs have to suffer great hardship for having to depend for the recovery of their rents and dues on an agency over which they have no control and supervision. I have further pointed out that this disability imposed by section 85 operates only in those villages where there are hereditary patels and kulkarnis. I have never heard complaints from Sind, or from Gujarát where there is a large number of inámdárs. It is only here in the Deccan that the complaint exists. Of course, this difficulty is not realised in Sind, Gujarát and the Konkan, because there are no hereditary kulkarnis or patels there. But I fail to see why out of all these inámdárs it should have fallen to the lot of the Deccan inámdárs to labour under this disability. We know that there are so many Tenancy Acts in Bengal, the Punjab, the United Provinces and in Madras, but I ask the members of the Council whether they know of any place—even in Europe—where a landlord is prevented from making a demand of his dues and if the demand is made from accepting it except through the intervention of a third party.

I have gone through the discussion which took place when this Code was passed, and I do not find any debate on this section 85, but from the opinions which were then collected and from the views I have heard of my official and non-official friends it seems that one of the reasons which led Government to adopt this restriction was to prevent inámdárs from rack-renting. This is now impossible. For whatever reasons there may have been forty or forty-five years ago to think that the inámdárs were rack-renting, the world has advanced a good deal since then. Many of the villages have been surveyed; 'mamulákár' has been fixed and known, education has made rapid strides; and people know exactly what their rights are and what the rights of the inámdárs are. This is equally the case in Government villages. As a matter of fact, the rent is practically the

same as was charged over a century ago in the time of the last Government. The truth is, the position is now reversed as far as the tenants are concerned. Instead of inámdárs harassing them, they harass inámdárs, and if anybody needs protection at the hands of Government, it is the inámdárs and not the tenants. The fact is that a contumacious tenant can easily defy his landlord by making common cause with the hereditary kulkarni. He can by the help of the kulkarni defer payment from day to day and induce him not to enforce payment. It seems to me that in recent years there has been an increasing tendency on the part of the tenants in the inám villages to allow the inámdárs' dues to run into arrears, and, I think, the time has now come when Government should give protection to inámdárs.

It is sometimes urged that we cannot interfere with the hereditary rights of the village officers to make these levies. I venture to say this is not quite a sound argument. I ask the Council to remember that before the passing of the Land-Revenue Code village officers had not the exclusive right of collecting the dues. At that time the inámdárs and the village officers generally made these realisations, and therefore it cannot be rightly said that by removing the disability imposed upon the inámdárs by section 85 of the Code Government would be depriving the village officers of their inherent rights which they have enjoyed for a long time. This right does not apply to watandárs. I may point out that there are many district officers and village officers, such as Desais, Deshpandes, Deshmukhs and other Hakdars, whose services have been dispensed with long ago, but their rights have not been commuted or withdrawn, and yet Government have not shown any anxiety to enforce their rights. I at once admit that the village officers, namely the kulkarni, the taláti, etc., are very useful public servants in villages, but because they are useful to Government it is no reason why Government should go out of their way to strengthen their hands and increase their powers in such a way that if they choose they can oppress the inámdárs. I submit, Your Excellency, that when it is shown that the village officers have abused their powers it is not right that they should be propped up still further.

Then, after all, I put it to Your Excellency, granting that my suggestion is carried out, what would happen? The village officers will have their watans all the same. The work of Government and the remaining work of the Dumaldár will have to be done by him. The revenue collection will be made by the dumaldár instead of by the kulkarni. The kulkarni will continue to write his books of account, send up his reports and do every sort of work which he is at present doing. The only change that would take place would be that instead of the kulkarni having the exclusive power of receiving the inámdár's dues, both the inámdár and the kulkarni will receive it jointly. I would next point out that under this Act the inámdár is not quite debarred from receiving his dues from his tenants, provided he does that in consultation with the village officer present in the village. Section 85, I contend, applies equally to the other village officer, namely the patel, who is competent to collect the inámdár's dues and to give receipts for the same. In this way, I submit, even if my proposal is adopted there would be no change in the status of the kulkarni. Your Excellency is aware that there is generally one kulkarni to one or two Government villages and one or two inam villages, and it is easy to comprehend that his first care is to collect Government dues first. My suggestion is that while the kulkarni is engaged in collecting Government revenues in Government villages, the village patel, who is always present in the village, may well be

employed to receive the dues from the inámdár's tenants, enter the same in the village books, and pass a joint receipt in his own name and in that of the inámdár. I feel sure if that is done the hardships now suffered by the inámdár would be removed. In this connection I would draw Your Excellency's attention to paragraph 3 of section 85 of the Land-Revenue Code, which after imposing the disability on the inámdár in the matter of collecting his dues lays down:—"Every such hereditary patel or accountant shall be bound to receive and account to the said superior holder for all sums paid to or recovered by him on account of the said superior holder; and on his or their failure to do the same, the superior holder shall, with the previous consent of the Collector, be entitled to recover his dues direct from the inferior holders."

I submit, Sir, that not a single case has been pointed out in which an inámdár has been proved to have rack-rented. Nor have I come across a single case during all these years from the year 1879 up to now in which Government have allowed an inámdár to realise his dues directly from his tenant. One of the main reasons why I bring this resolution is to draw the attention of Government to the fact that this section has remained inoperative all these years and if Government so desire they can issue orders to the Collector to avail himself of this provision to invest the inámdár with the power of collecting his dues where there has been a gross failure of duty on the part of the kulkarni to make realisations. Against this it may be urged that the inámdár's revenue falls into arrears, because the inám villages are divided and subdivided into many shares which are mortgaged to money-lenders. I admit, it is so to a certain extent. But that has been due to the undue delays on the part of the kulkarni to collect the inámdár's revenue. I submit that the proper remedy lies in not making the position of the inámdár still worse by allowing his dues to get into still greater arrears and his village to be yet further divided, but in giving him a helping hand and putting him in a position to prevent his property from going into the hands of the money-lender. No doubt on account of these divisions and sub-divisions the inámdár runs into debts, but the main cause which has contributed to his indebtedness is that when his revenue falls into arrears he has perforce to incur debts. Supposing the revenue of an inam village is Rs. 500, that amount generally represents the inámdár's expenditure also. The result is that when the first instalment of his revenue becomes due and is not realised in time, he has to borrow money to meet his ordinary expenses. For this loan he has to pay a large sum by way of interest and to mortgage a part of his village, and thus just as the arrears of his revenue go on increasing, his indebtedness increases correspondingly. I think instead of visiting him with penalty, we should have compassion on him.

Having said so much on this subject, I take this opportunity of thanking Your Excellency and Your Excellency's Government on behalf of the inámdárs for what has been done for them by Government in the way of recovering their arrears of revenue in the inam villages in the Central Division. Thanks are also due for the same to the Commissioner of that Division. Now, the fact that these arrears of revenue have been so quickly collected shows that the tenants are competent enough to pay the dues, but it is only owing to the laches of the village officers that there is so much delay in the collection of revenue. I submit that the Sub-Divisions of an inam village are in no way responsible for the arrears of revenue.

Under these circumstances the present results are only natural. The inámdár has no control whatsoever on the village officers, and the higher officers, such as mámlatdárs and district officers are not directly interested in the work of collecting revenue in the inam villages. Of course, it is their duty to look after these things also, but, as I have said, they are not interested in it and no orders have been given them to see that the system of collecting revenue in the inam villages is properly worked. It was only recently that the matter was seriously taken into hand by Government officers, but I am afraid unless a radical change is made in the system the benefit would not be a permanent one. For these reasons I venture to suggest that the inámdár should either be empowered to make his own realizations or if that is not feasible Government should take upon themselves the responsibility of collecting the inámdár's revenue. The inámdár is now required to apply for assistance if his dues are not duly recovered, but this remedy has been found to be very cumbrous and inefficacious. What happens is this. In the case of a Government village if a tenant is in arrears and cannot pay the Government dues, the arrear of revenue is recovered either by the issue of a notice of demand, by the forfeiture of occupancy or by distraint and sale of moveable property, or by sale of immoveable property, or by arrest and imprisonment. By this method the realisation is made in a short time. But the process is different in the case of inam villages. The collection of the inamdar's revenue depends upon the sweet will of revenue officers and the exertions of táluká officers. Nearly on the last day of the payment of arrears the vasul-patrak is made which takes a very long time, and then Government appoint a special officer to look into the matter. If the officer finds that the question at issue is of a complicated nature the parties are referred to the Civil Court. When that is done and a decree is issued by the Civil Court it is given to the village officer for execution. The village officer, as may be expected, delays the execution, because he is interested in the realisations not being made, and if he drops a hint to the tenant concerned, he won't be found in his house. Thus, the agency which is now employed to collect the inámdár's revenue is a very bad agency, and unless it is radically improved there is no hope of the inámdár getting his dues in a systematic manner. I submit as long as the village officer is not interested in this work, it is not possible to expect it to be properly done. Verily, the fable of the lark and her young ones aptly applies in this case.

His Excellency the PRESIDENT:—The honourable member has had a little over his half hour. I hope he will conclude very soon.

The Honourable the JÁGHIRDÁR of ICHALKABANJI:—I would make only one more remark, Your Excellency. It is this that this remedy of applying for assistance is a remedy which is applicable both to the recovery of rent as well as of land-revenue. Now, rent is fixed by private contract and is liable to fluctuate. But the land-revenue is fixed either by the Survey Department or is mamul and not subject to change. I submit that a rule should be prescribed by which the inámdár's revenue might be recovered in the same manner as the Government revenue is realised, and the rent be recovered in the manner in which any private individual can recover from his tenant. I think this is an anomaly which ought to be remedied. With these observations I commend my resolution for the acceptance of the Council.

The Council then adjourned for lunch.

The Honourable Sir RICHARD LAMB :—In the absence of the President I take the chair. We resume discussion on the resolution of the Honourable the JA'GHIRDA'R of ICHALKARANJI.

The Honourable Mr. F. G. PRATT said :—Mr. President,—I confess I felt some little surprise, when I listened to the speech of the Honourable the JA'GHIRDA'R of ICHALKARANJI in moving this resolution. He has asked the Council to accept in the alternative two measures both of which are decidedly drastic. I expected to hear in the course of his speech as it developed some very cogent reasons for adopting these measures, some array of facts and figures, which would show that the condition of the inámdárs was at the present a very deplorable one, that there had been something like a breakdown in the legislation and executive measures, which from time to time Government have provided to enable the inámdárs to recover their dues. As the speech went on I found that no such facts and figures were put before us; on the contrary by some of the expressions of gratitude to Government for the measures, which had been effected, we were given to understand that these measures had hitherto been successful, that arrears had been wiped off and the inámdárs had now very little to complain of. Then as to the actual measures which he recommended again I was rather surprised to find that in the course of his speech he devoted himself not to the specific measures in the resolution but to section 85 of the Code and powers enabling the inámdárs to recover under section 150 of the Land Revenue Code. Both these measures are decidedly drastic. Section 85 as it stands at present was enacted by this Council only two years ago after considerable discussion, in which the Honourable the JA'GHIRDA'R himself took part. He has produced no evidence in his speech to-day which would be at all sufficient to justify the Council in repealing an enactment, which has been so recently placed upon the statute-book. Secondly the proposition that the inámdárs should be able to recover, by the process mentioned in section 150 of the Land Revenue Code, ordinary current land revenue is a very drastic measure. That section among other things would enable the inámdár or anybody acting under that section not only to issue a notice of demand for the rent, but would empower him to turn the tenant out of his holding, to destrain and sell any land, and then to go further and enable him to arrest and imprison the defaulter.

The Honourable the JA'GHIRDA'R of ICHALKARANJI :—I did not mean that.

The Honourable Mr. PRATT :—That is what it conveys. It seems to me that it is unnecessary for the inámdár to apply for assistance. In the ordinary course the inámdár would apply for assistance, and assistance would be given him by the Collector who would issue process under this section. According to the honourable mover's proposal, if assistance is not to be given the inámdár has to take the law into his own hands and apply the law himself. I cannot see what else it can mean. As I was going to say I am glad to hear that the Honourable the JA'GHIRDA'R did not ask these powers to be conferred on the inámdárs, because they go very much farther than the powers which are given to those who are specially selected on account of their rank and station to be given powers under section 88 of the Land-Revenue Code. I submit that no case has been made out. It has been said that Government has been lax in looking after the interests of the inámdár, but I do not think any case has been made out to ask the Council to adopt the measures concerned. The complaint of the Honourable the JA'GHIRDA'R seems to me to be

principally directed against the watandár kulkarni but is he to throw aside his rights? It seems to me that the watandár kulkarni is a strong person who has vested interests, which are as old and as firmly rooted as the interests of the inámdár himself. There can be no doubt about it that the watandár kulkarni, as we were told yesterday, is unsuitable for the performance of the duties imposed upon him, which are largely the collection of land-revenue. The grievance is not confined to inám villages. We suffer from it in Government villages. If relief is required the proper way would be for the inámdárs to adopt the suggestion thrown out by the Honourable Sir RICHARD LAMB yesterday and make suggestions as to what appears to them to be the best way of solving this difficulty of reforming the agency which gives them trouble.

The Honourable the SAR DESAI of VANTMURI said:—Mr. President,—I beg to support fully the views of the Honourable the JA'GHIRDA'R of ICHALKARANJI. The inámdár has considerable difficulties in getting his dues through the village officers. I know Government have from time to time kindly issued circulars or orders to give help to inámdárs; but generally the village officers being dodgy evade them studiously and play all sorts of tricks on the inámdár. Here in the Council I anticipate members may say things for and against the inámdár. I well realise the position of Government. I know they have to look to the interest of all concerned, *viz.*:—inámdárs and rayats. I will also bring to the notice of the Government that there are good and bad inámdárs as well. The good should not suffer along with the bad. Under the circumstances I will place all my reliance in Government and ask them to pass such orders as they think best as to give necessary relief to inámdárs. I will not press Government to do any particular thing as I expect full justice from them.

The Honourable Mr. D. V. BELVI said: Mr. President,—I have read the resolution very carefully. When I first received the notice of this motion I thought I should have before me as complete information on the subject of this motion as possible. I have ascertained by putting questions in this Council that the total number of inám villages in this Presidency is 2,088; that out of these 2,088 villages the number of inám villages in which survey settlement has been introduced or is about to be introduced under section 217 of the Land Revenue Code comes to only 842; and that in only 31 inám villages the Record of Rights Act has been introduced. These are the facts which, I submit, the Council has to take into consideration before it accedes to the request embodied in this resolution. It is true that in the case of the inámdárs there is a real grievance. I am myself a tenant in one of the inám villages, and I know, as a matter of fact, more than one case in which the Kulkarni has played a dodge with the inámdár in the matter of paying his dues. What he does is that he pays to Government what is due to them in respect of Government villages. But in the case of inám villages he pays into the táluká treasury what is due to Government out of the inámdár's revenue, retains the residue in his own possession and does not pay it to the inámdár for a long time until he gets his *bakhsish*, which is known as *potgi*. It is well known in my part of the country that the inámdár has to make a small present to the Kulkarni every year. The grievance is real. But it is not landlords like the Honourable the JA'GHIRDA'R OF ICHALKARANJI and the Honourable the Sar DESAI of Vantmuri who suffer hardship at the hands of the Kulkarni. They are men of rank and position to whom perhaps a commission has been issued under section 88 of the Land Revenue Code, under which

such inámdárs have the power of distraining goods of the defaulters and insist on their dues being paid. It is only the humble class of inámdárs who suffer most. But I do not think that for this reason alone the resolution moved by my honourable friend should be accepted unreservedly. I would suggest certain modifications in it for the acceptance of my honourable friend. If he does not accept them, then I will move a separate amendment under Rule 16 of the rules relating to the conduct of business. It will read thus: "That this Council recommends to His Excellency the Governor in Council that the restriction imposed by section 85 of the Bombay Land Revenue Code on holders of alienated villages in which Survey Settlement and the Record of Rights Act are in operation be removed, and that the arrears of revenue in such villages be recovered by the revenue department by the process mentioned in section 150 of the Land Revenue Code without it being necessary for the inámdárs of such villages to apply for assistance."

Mr. President, I will say a few words in support of my amendment. I move this amendment with a view that there may be justice done to the inámdár as well as to the tenant. It is true that the inámdár suffers in some cases, but for that the inámdár has to thank himself. If the inámdár chooses to demand from his tenant an unconscionably high rent he must take it that the tenant will resist his claim. But if the inámdár allows Government to survey his village and accepts settlement under section 217, there will be no difficulty whatever in finding out under section 68 of the Code what is exactly due to him, as the Survey Department will settle at the time of the survey what should be paid to the inámdár on each piece of land. At present I find from my experience as a lawyer for the last twenty years that it is more often than not that the inámdár is anxious to claim every piece of land in the village as his own, and says that it is only for his own purpose that he shows in his accounts that such and such persons are his khatadars. I submit this is a state of affairs which is most unreasonable and unsatisfactory. Surely there must be some khata tenants in these villages. I contend that if the inámdár accepts survey settlement as provided by section 217 of the Land Revenue Code and does justice to his own tenants, then alone justice may be done to him. As a rule there are more people as tenants than as inámdárs or bhaubands or sharers in the village. I cannot understand why as many as 518 inám villages in the Presidency proper have not yet been surveyed? Does it stand to reason that lands should be measured by hands and cubits in this twentieth century? Obviously there is no survey because the inámdár does not choose to have his village surveyed. He wants to foster and cherish faction and litigation in his village, so that he may take something from this man and something from that man. I can point out an instance in which an inámdár has not chosen to make inquiries for fifty years after the death of an occupant. If the Honourable the JÁGHIRDÁR OF ICHALKARANJI accepts my amendment and if he is willing to do justice to the tenants possibly his resolution may be accepted by the Council.

My first suggestion is that each inamdar should accept survey settlement and should consent to have the Record of Rights introduced in his village. If he does that he may be given the concession for which he now prays. My honourable friend puts his resolution in an alternative form. I fail to understand how the first part can be balancing alternative for the second. The first part of the resolution comes to this that if a particular tenant is willing to pay the inamdar his dues and rent, why should the inamdar not accept it and pass a receipt under section 58 of the Land Revenue Code, and, why,

should the village officer intervene? This part of section 85 has been described as very drastic. I do not see anything drastic in it. I believe the reason why this restriction has been imposed in the Act is that generally there is more than one inamdar or sharer in each village and it is possible that a tenant may be liable to be asked by more than one sharer for his rent. This would give rise to unnecessary litigation. To meet this difficulty it has been provided that the rent should be collected by the village officers only. Suppose if he accept only the first part of the resolution I do not think the inamdar's grievances will be altogether removed. He will be able to recover rent from the tenants who are willing to pay it, but as to those who are not willing to pay he would have to go to the mamlatdar for assistance. Thus the grievance is only partly removed. I think if we are to solve the whole problem, we should put the word "and" instead of the words "or if that is not possible to order." If the inamdars accept these conditions there is no reason why the mamlatdar should not enforce the law. It has been represented that it would be very hard on the tenants if their moveables were to be attached and their lands forfeited. But that has been done in unalienated villages. I do not say that what my Honourable friend the JÁGHIRDÁR OF ICHALKARANJI wishes to be done under section 150 will be drastic in its nature, provided it is done by the mamlatdar under the supervision of the Collector. Then, if my amendment is accepted, the Council will see that the village kulkarni will also get his potgi, that is, cash allowance, from the inamdar when his village is surveyed, an allowance which he does not get now. The inamdar says: "You have got inam lands and you must give service without potgi." The kulkarni says: "My brother in the Government village gets his potgi, and I am also entitled to the same in the inam village. If you do not choose to give me something by way of bakhshish, then I shall not pay you your money which I hold in my hands." I beg to submit that if the resolution is passed as modified by my amendment, all parties will be satisfied. The tenant will be satisfied because he will enjoy the same rights which are enjoyed by the registered occupant under section 68 of the Bombay Land Revenue Code, and because he will feel that as long as he pays the rent it is a guarantee that his possession of the land will not be disturbed. Then the inamdar will have a guarantee that his revenues will be collected by the mamlatdar and it will not be necessary for him to apply to the mamlatdar for assistance and get decrees which cannot possibly be executed now. At present even if the inamdar obtains a decree the kulkarni sees to it that it is not executed. He generally manages to see that the tenant is not put to any loss and helps him in evading the execution of the decree by informing him beforehand of the day on which he would call at his place to execute the decree, so that the tenant may remove his things by that time to some friendly neighbour's house, and when the decree is executed the inamdar does not generally realise his dues. If my amendment is accepted the kulkarni will have no grievance for he will get his potgi.

With these observations I crave leave to move my amendment and hope that my Honourable friend the JÁGHIRDÁR OF ICHALKARANJI will see his way to accept it. I admit that the inamdar's grievance is real, but the only way in which it can be removed is the one I have suggested in my amendment. If the representative of the inamdars in this Council does not choose to accept it, then as a representative of the tenants I will turn round and say: "If you are not willing to accede to our request you shall not get what you want."

The Honourable Mr. S. D. GARUP said :—Mr. President,—I am afraid I cannot agree with the amendment moved by my Honourable friend Mr. BELVI. All that the resolution of the Honourable the CHIEF OF ICHALKARANJI asks for are two simple things. In the first place it asks Government to permit the inamdar to recover his own dues in time when he finds the village officers either lacking in diligence or encouraging the ryots to resist his demands. In the second place, it asks in the alternative that Government should collect the dues of the inamdar in the same way in which it is collected in Government villages without driving the inamdar to seek the assistance of the mamlatdar. It is true that for the last few years the inamdars of the Central Division have been getting their revenue without having to ask for assistance, and I know that the inamdars of the Central Division are thankful to the Honourable Mr. CURTIS for the interest he has taken in the collection of their revenues and for the assistance he has given them. If the revenue is collected for them in this way the repeal of section 85 is obviously unnecessary. But where this system is not in operation the inamdar should be allowed to exert himself and collect his dues in time before the crops are disposed of by the ryot.

Mr. President,—I shall briefly explain to the Council what used to happen in the inam villages in the Central Division before the revenues were collected by Government for the inamdar. As soon as there was the slightest chance of the revenue being either suspended or remitted in Government villages, or the Kulkarni found himself on unfriendly terms with the inamdar, the Kulkarni simply stopped receiving revenue from the ryots and left the inamdar to apply for assistance to the mamlatdar. The result was that there was sure to be an elaborate inquiry before the mamlatdar, and as soon as the tenant was able to put in any plea which the mamlatdar thought was complicated, the inamdar was summarily referred to the Civil Courts where he had perhaps to face two appeals to establish his claim to the assessment which the tenant was, according to all the registers of the village, bound to pay. This decree was then sent to the village Kulkarni for execution, and he naturally took every step to see that it remained unexecuted. In the Dumala villages Government have a share in the assessment and this is also naturally delayed. But the remedy which Government resort to is simple. They ask the accountant to explain why the collection was not made in time. He points out that the inamdar was not diligent in pressing the decree and Government therefore look to the inamdar for their money and exact it from him. Thus, instead of the inamdar getting his own money he has to pay a fine to the extent of the Government share for his alleged want of due diligence. If the inamdar had been allowed to collect his money from the ryot when the crops were in his hands the hardship would have been saved. Whether the villages are surveyed or unsurveyed the fact remains that revenue is payable by the ryot to the inamdar, and I submit that if Government take upon themselves the responsibility of recovering the inamdars' dues they should see that the arrears are collected in due time; but if, on the other hand, they do not wish to take upon themselves that responsibility, then the inamdar might be allowed to collect the outstandings himself. I think this is a reasonable resolution and has my support.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said :—Mr. President,—This resolution presents questions as to who is to be the inamdar to recover the revenues what is he to recover, and in what manner is he to recover it. I believe section 85 was embodied in the Code for the purpose of enabling the revenue department to find out

the co-sharers who were entitled to receive the dues, and not merely for realising the inamdar's revenue. That was originally the idea of Mr. Erskine, who was responsible for framing the section. It was framed after various officers had been consulted about it before the Bombay Land-Revenue Code was passed in 1879. The section makes it compulsory upon the inamdar to recover his dues through the hereditary village officers, and if he does not do that and demands or receives payment he renders himself liable to certain penalty. The necessity for doing this is apparent, otherwise the difficulty of the revenue officer would be, who should be the person at whose instance the money should be recovered. But I believe if executive orders can make it possible now for the person whose name is on the record to make his recovery after paying his *potgi*, he would be ordinarily entitled to recover his dues from the village. It seems there is no difficulty on that account. The second question is what should be the revenue that is to be collected. I am inclined to agree with my Honourable friend Mr. BELVI that there should be some test laid down. If the inamdar were to get his village surveyed there would be so much the greater security that he would not be charged more revenue. As to the third question, *i. e.*, in what manner he is to recover his dues, Government will say that they recover their revenue through the village officers, and the inamdars will have to do the same. Here comes in the difficulty. Government can control the action of the village officers, while the inamdars cannot. I think if Government were to extend to the inamdars the privilege of regulating the conduct of the village officers, then there would be less room for grievance. Then, the recent orders with regard to the Kadim money are altogether severe. The whole money goes to the treasury and the inamdar has no control over it. The fact is that the village officers have come to regard inamdars as nobodies—as persons with whom they have nothing to do, and hardly obey them; and I can bear testimony to this, if the Honourable Mr. PRATT wants it, that in consequence of this the inamdars are put to a great disadvantage. I know, as the Honourable Mr. PRATT has reminded us, that great deal has been recently done by Government for the inamdars in the way of recovering their dues, and this has been freely admitted. But that is what was only recently done. You will find, Sir, that in the evidence placed before the Deccan Agriculturists' Commission it was made clear that it was the inam village which was much better off than the unalienated village, but everybody who has experience of the interior of the country will admit that the inamdars' villages are the worse off. I think instead of abrogating the whole section 85, it would be much better to adopt the second part of the resolution. It seems to me that if the inamdars' revenue gets into arrears it is the duty of Government to see that the village officers collect it in a proper manner, and if they do not do it section 150 of the Land-Revenue Code should be brought into operation. I hope the matter will receive due attention of Government. The Honourable the JĀGHIRDĀR OF ICHALKARANJĪ has done well in bringing forward this resolution. Of course, there is something in it which is inconsistent, but surely there is need of some remedy and until a better remedy is provided for, I think the latter part of the resolution will commend itself to Government.

The Honourable Mr. G. S. CURTIS said:—Mr. President,—Before I proceed to discuss the speech of the honourable mover of this resolution it will be better if I clear away a misunderstanding which has arisen out of the Honourable Mr. GARUD'S speech. Mr. GARUD referred to certain cases in Násik of villages, the revenue of which is shared

between Government and the inámdár : and complained that in some instances the latter had been held to have been remiss in applying for assistance and had had to make good out of his own pocket the loss which Government had sustained from non-recovery. The trouble, if trouble there was, seems to have arisen out of a mistake on the part of the local revenue officers. Orders have now been issued which will render it unnecessary for the inámdár in the case of shared or *dumala* villages to apply for assistance : in these villages revenue will be collected in future in the same way as in an ordinary Government village. Turning to the speech of the honourable mover I find it difficult to accept his account of the state of land tenure in the Deccan as in any way justified by fact. According to him the problem in the Deccan is the same as it is in Sind and Gujarát. In the two latter provinces we have the zamindár and the táluqdár, in the Deccan we have the inámdár occupying precisely the same position. The former have the right under the Land-Revenue Code of recovering their revenue direct : therefore the latter should also exercise the same privilege. This argument, however, is not justified by history. Every one who knows the Deccan knows that the inámdár is not the only person, whose claims to a share of the revenue have to be considered in this province. The inámdár as a rule takes the lion's share ; but there are others, the deshpandes, deshmukhs, the kulkarnis, the patils and so forth, who also have claims and claims prior in point of seniority to those of the inámdár. These persons are generally known as the *kadim* or ancient *hakdars* : while the inámdárs' rights are usually qualified as *jadid* or new. In many cases they are of very modern origin indeed : in fact they were often the result of grants either by the British Government in the early years of our occupation or by the late Peshwas. And besides the amounts lawfully due to them there is also the Government *judi*. This being the case, it is absolutely necessary in order that the various claims may be properly satisfied that all sums realised in the village shall be brought to account by one person at one place : and that there shall be no confusion of authority. If both the hereditary village accountant of whose right to collect revenue according to ancient custom there can be no question, and the inámdár or rather the inámdár's agent, who is often a person of indifferent integrity, are to collect each one independently of the other, the ryot must suffer by being forced to pay twice over. It is necessary for the protection of his rights that there should be no confusion regarding the individual to whom the money is to be paid. The honourable mover of this resolution has touched lightly on the rights of the village accountant and has suggested that they can be settled and put on one side altogether. It is extraordinary how different the attitude of some members of the Council is towards the claims of the kulkarni, when his sphere of duty is an inám village, from what it is when he works directly under Government. Two years ago when we were amending the Watan Act with the object of making the punishment of embezzlement by the kulkarni more severe I remember well how we were implored in impassioned terms to pay due regard to the claims of the watandár. Now here to-day the JA'GHIRDA'R of ICHALKARANJI suggests that their rights may practically be ignored altogether. Of course he is quite wrong. The provision in section 85, Land-Revenue Code, regarding the collection of land—revenue through the village accountant, was a natural result of the passing of the Watan Act in 1874 and the practice, which that law renders obligatory, was one which had been in force for centuries. It would no doubt be convenient if it could be discontinued ; but while the law stands as it is, that cannot be done. The second part of the honourable mover's resolution contains a proposal that if the inámdár is not to be given the right of recovery direct, the Collector should

himself, on the inámdár's behalf, take over the management and realize the revenue. The objection to this lies in the danger to the ryot from the possibility of uncertainty arising as to whether the inámdár has resigned his rights or not. Even at the present moment in executing decrees for assistance it is a common experience to find that the inámdár's agent has been to the ryot beforehand and has collected amounts on his own account. If the Collector is to take over the management of a village as a whole, there must be a clear understanding that after a given date the inámdár is to stand aside altogether and that any attempt on his part or that of his representative to collect dues direct will be severely dealt with.

Looking at the whole question I submit, Sir, that the honourable mover has shown no reason for any interference with existing practice. It is admitted that the revenue is now collected and I see no reason why subject to the vicissitudes of the season this should not continue to be the case. At the same time I would urge on inámdárs generally the desirability of improving relations with their ryots by taking rather more interest in their general well-being and performing the duties which the ownership of land necessarily entails. The inámdár is, I regret to say, too often an absentee landlord, who is contented so long as he receives his revenue and cares for little else. If he would only look more to the wants of his villages, if he would occasionally build a dharamshala, provide a school, plant a few trees or repair the village well, he would find that the cultivators would regard him with greater respect and affection and that the strained relations now existing would rapidly disappear.

On the whole then, Sir, I submit, that the honourable mover has made out no case for his resolution and that there is no reason why the existing practice should not continue.

The Honourable the JA'GHIRDA'R of ICHALKARANJI in reply, said :—Mr. President, this resolution was brought forward by me in order to place before Government the grievances of the inámdárs. My honourable friend Mr. BELVI has strongly urged the case of the tenants and moved an amendment, and wants Government to reject my resolution altogether. The Honourable Mr. BELVI has referred to the tendency of the inámdár to claim every piece of land in the village as his own. Now, land-grabbing is a failing peculiar to human nature, and I will ask my honourable friend to say if it is the failing of inámdárs alone and if other private investors are free from it. But apart from that, though I am prepared to admit that there is some truth in the complaint against the sharers of the inámdár, I respectfully submit to the Council that in generality of cases the tenants are at fault. It is urged that if the village is surveyed the rights of the parties will be made quite clear. On this point the Honourable Mr. BELVI has quoted some figures. I ask him how many inám villages have been surveyed altogether.

The Honourable Mr. BELVI :—Out of something over 2,000 villages about 1,500 have been surveyed.

The Honourable the JA'GHIRDA'R of ICHALKARANJI :—I should like to know how many unsurveyed villages are there in Gujara't and in the Southern Division?

The Honourable Mr. BELVI :—Out of 518 unsurveyed villages in the Presidency proper 203 are in the Southern Division.

The Honourable the JA'GHIRDA'E of ICHALKARANJI :—Mr. President, my contention is that all along the grievances that have been brought to the notice of this Council have been almost exclusively from the inámdárs of the Central Division. Almost no complaint has been heard from the Southern Division as to the inámdár there not receiving his dues in time, and I do not think the honourable member representing the Southern Division has ever complained of any hardship having been suffered by the tenants in the inám villages of his division. Nor have I heard of any ill-feeling existing between the inámdárs and tenants there. I really cannot see how tenants would be benefitted by the introduction of survey settlement in the inám villages. The mamulákar is a fixed thing and known to the village accountant in whose books the names of the tenants are entered. So in any case the tenant is liable to pay what is due by him, even after the introduction of the survey. On the other hand, the inámdár is a loser by it, as he is not entitled to get any increase from his tenants, unless either the revenue court gives him madat, or the civil court, after the suit has been filed, is agreeable to the demand of the inámdár being acceded to. Then as to what fell from the Honourable Mr. PRATT I may explain that at present the procedure is that as soon as the vasul patrak comes the inámdár applies for assistance, and unless he does that the machinery of the department is not set in motion. My point is that it should not be necessary for the inámdár to set the machinery in motion by applying to the Mámlatdár for assistance, but that the thing should be so arranged that the machinery might work automatically. In my opinion automatic realisation of revenue in inám villages would be a relief to the revenue department itself. The process of recovering the revenue is exactly the same both in Government and inám villages. The law makes no difference in that respect. The only question is who is to supervise the work. So far as the Government village is concerned the responsibility automatically falls on the Mámlatdár or the Collector. The Honourable Mr. PRATT said that he expected me to give facts and figures in support of my contention. The honourable member has been on this Council for some years, and probably he is aware that from year to year I have been bringing this matter before the Council, and have called the attention of Government not only to the laches of the village officers, but also to the laches of the Mámlatdárs and other subordinate officers. A reference to the previous proceedings of this Council would show that complaints have been made by me showing how the arrears of the inámdár's revenue have been growing from year to year. Again, when this matter was under consideration some time ago I moved a similar amendment before this Council when my honourable friend Mr. PRATT's predecessor in office and other members of Government with long experience of revenue matters, and almost all non-official members including the Honourable Sir PHEROZESHAN MEHTA strongly supported me.

I quite agree with my honourable friend Mr. CURTIS when he said that the inámdár is not a popular man in his village. I know that he is not as popular as he ought to be, but it is the revenue officers of the village that make him look invidious in the eyes of the tenants. The fact is that a village is generally divided into factions and between them the inámdár finds it difficult to maintain his position. Then, it happens that many inámdárs, who are well-to-do people and live in big towns, only go to their villages at the time of revenue collection. I know a number of inámdárs in the Southern Division who do this. I quite admit that it is the duty of the inámdár to keep himself in touch

with his tenants, and I am sure as time goes on he will come to realise the advantage of taking more personal interest in the well-being of his tenants than he does now.

My honourable friend Mr. CURTIS gave a long history of the system of land revenue which obtains in the Deccan and traced its origin to the time of Nana Saheb Peshwa who was the author of that system. But with all due respect to the authority of my honourable friend I may point out that the circumstances under which the system originated have now entirely changed. What happens now is this that ordinarily when the revenue is realised a certain portion goes to Government and a certain portion to the inámdár. But when there is a failure of the crop, the first charge is made on the revenue on account of the Government share, from the balance the kadim watandár recovers his portion, and what remains goes to the inámdár. In other words, in such cases the inámdár always goes to the wall. [The honourable member was here inaudible.]

Mr. President, I am sorry to see that the honourable members have failed to grasp the arguments that I have advanced. I have never for a moment suggested that any of the rights that appertains to the village officer should be taken away from him. What I have submitted is that the circumstances under which the restrictions embodied in section 85 of the Bombay Land-Revenue Code were imposed no longer exist, and in the present altered circumstances they press too hardly on the inámdár. I say that the bars that have been raised against the inámdár should be removed and he should be reinstated to the status which he enjoyed before. I do not suggest that the inámdár is never at fault; but my contention is that the dual agency that exists in the village for the collection of revenue is responsible for the unsatisfactory working of the system. The revenue is realised by the kulkarni as well as by the patel. Where the patel is a strong man he does not allow the kulkarni to override him. But unfortunately the patel has lost his influence. He does not know how to read and write; and the kulkarni is consequently the master of the situation and you cannot make him work unless you make it worth his while to work. I will tell the Council my own experience, and it is that a man like myself has also to submit to the will of the village accountant, and unless I *samjav* him I cannot get my revenue realised.

The Honourable the VICE-PRESIDENT:—The honourable member has already exceeded his time.

The Honourable the JA'GHIRDA'B of ICHALKARANJI:—I will say only one word and it is that what the inámdár wishes is to be sure of getting his dues.

The Honourable Mr. BELVI:—Mr. President, may I ask if I have a right to say a few words as the mover of the amendment?

The Honourable VICE-PRESIDENT, in reply, said:—I think there is no right under the rules for the mover of an amendment to speak a second time unless it has assumed the form of a substantive proposition. The course I propose to take is to state the attitude of Government towards the resolution as originally moved and as amended and to put the amended resolution first and then the resolution as first moved. As regards the resolution, I am a good deal in sympathy with the Honourable the JA'GHIRDA'B of ICHALKARANJI, because I should myself be very glad indeed to be able to collect rents otherwise than through hereditary village accountants. The hereditary village

accountant is a gentleman who in these days is not equal to the task imposed upon him and I should certainly like to collect revenues in Government villages by another agency. I should like to have a stipendiary accountant in place of the village hereditary accountant. But the hereditary village accountant has a certain right to collect the revenue and until we buy him out or do something of the sort we cannot deprive him of the right to collect revenue. His rights remain exactly the same, whether the village is alienated or unalienated. I regard him as being in possession of a right existing from time immemorial, a right which is known as the *kadim* right, and the fact that the revenues of the village have been alienated to the *inám*dár does not derogate from the right of the hereditary accountant to go on collecting his revenue. I think, therefore, it is absolutely impossible for Government to accept the first portion of the resolution which has been brought forward. We could do it only when some means of adjustment had been arrived at by which the hereditary village accountant could be got rid of and replaced by some more efficient agency. That is a matter to which I have referred on more than one occasion in this Council, and I should be very glad indeed if some way could be devised under which we could substitute for the agency of the hereditary village accountant a stipendiary accountant. The matter is a very difficult one, because it has not yet been ascertained in what way the *kulkarnis* would regard any action of Government in that direction. For the most part I think the *kulkarnis* of the Deccan and Southern Mahrátha Country are Brahmins, and if my honourable friend, who is also a Brahmin, could ascertain the feelings of his fellow Brahmins, he would give Government very great assistance. There are several other Brahmins on this Council, and any assistance which they can give in this matter will be gladly welcomed by Government. Meanwhile I do not think it is possible to repeal the legal recognition of the immemorial right of the village accountant to collect the revenue, whether it be in alienated villages or in unalienated villages. As regards the second part of the proposal, I think I may inform the Honourable mover and other members of the Council that in the Bill for amending the Land-Revenue Code, which has been reported to the Government of India and has received the approval of the Government of India in the Administrative Department, there is included a section which enables the *inám*dár of any village or the holder of any alienated village to apply to the Collector to collect his revenues for him. This is, I think, an even more efficient way of getting rid of the trouble of the uncollected revenue in alienated villages than is proposed in the resolution. Whenever the holder or holders of an alienated village find they cannot get in the revenues he or they may apply to the Collector to collect the revenues for them, and the collection will be made just as if the village was an unalienated village during the period only during which the holders of the alienated village ask the Collector to make it. In proposing a section of this kind we are very anxious not to interfere with the *inám*dárs. We leave it entirely to them to come and ask us, and do not force it on them. Those who wish their places taken will be replaced; those who like to retain their prestige we shall allow still to collect the revenues under the same processes as at present. I think in the meantime, until this section becomes law, the holders of alienated villages would be well advised to accept the advice we have given them of applying for assistance immediately after the first instalment becomes due. More than once we have urged upon them as soon as the first instalment has become due at once to put in a request for the recovery of the rents of the year, *i. e.*, immediately after the first instalment of land-revenue becomes due. But they do nothing of the kind. They wait until the end of the revenue

year, until the month of July is about to expire, and then they hurl in hundreds of applications for assistance. They would enormously increase the facilities for giving assistance and for the recovery of revenue if they only did what we ask them to do, and that is apply for assistance immediately after failure to pay the first instalment of the land-revenue of the year. With these remarks I put to the Council the resolution as amended by the Honourable Mr. BELVI.

The Honourable Mr. BELVI's amendment was then put to the vote and lost.

The Honourable the JA'GHIRDA'R of ICHALKARANJI then withdrew his resolution.

The Honourable MOULVIE RAFIUDDIN AHMAD said:—Mr. President,—I beg to move the resolution that stands in my name. It runs thus: "That in view of the great and growing demand for trained teachers in Urdu schools, in all parts of the Presidency, Government should be pleased to establish an Urdu Training College, at an early date." Mr. President, you may be aware that at the Mahábaleshwar meeting of this Council I had asked permission for the postponement of the resolution at the request of the Honourable Mr. HILL, and it is now my pleasing duty to thank him for the kind assistance which he has given me and the deep interest which he has shown in the subject. Mr. President, the subject is a very important one for the well-being of the Mahomedan community of this Presidency and upon this resolution depends to a very great extent the progress of primary education of the Mahomedan schools of this part of the Presidency. Government has always shown considerable solicitude for and given encouragement and patronage to the Mahomedan education, but unfortunately Government has not shown the same solicitude for the deliberate opinion of the community which has been placed before them from time to time in recent years. This resolution has been passed at four successive meetings of the Mahomedan Educational Conference, that were held in Poona. At one of these meetings His Highness the Aga Khan, the leader of the community, presided. At another annual meeting the Director of Public Instruction, the Honourable Mr. SHARP, presided and even he went so far as to sympathise with the desire of the community to have a Training College for Urdu, but his only excuse was that there were not many individuals round for the purpose. What I am now placing before this Council is the deliberate opinion of the Mahomedans of this Presidency as to the manner in which their boys should be taught in primary schools. The defect in this respect is a very serious one and it has never been properly remedied. In the year 1883 the subject of Mahomedan education, primary and secondary, was brought before the Education Commission in a very efficient manner. Up to that time the subject had never been properly considered and experts in the Mahomedan community, whose names carried great weight, gave their evidence before the Commission. I will only name two eminent gentlemen—the late Khán Bahádur Kazi Shahbudin and the late Mr. Justice Badrudin Tyebji. These two eminent educationists gave their deliberate opinion before the Education Commission with and the Council's permission I would quote the remarks of these two gentlemen made before the Commission. The late Khán Bahádur Kazi Shahbudin said: "I feel no hesitation in saying that Government's attitude has been one of apathy. I am not aware of any Government of Bombay which has considered the condition of the Mahomedan population from a statesman's point of view." That was the opinion expressed by the late Kazi Shahbudin in the presence of Sir William

Lee-Warner, Mr. Kirkham and Mr. Telang. The late Mr. Badrudin Tyebji said :—
 “The absurdity of compelling Mahomedan boys either to remain ignorant of Western literature altogether or to learn Gujaráti or Maráthi in order to acquire a knowledge of English was repeatedly pointed out to the educational authorities. The Education Department could not be convinced that many Mahomedans remained ignorant because there were no suitable means provided to educate them” and again “What wonder if only a few Mahomedans could be found who would be willing to give up their own mother tongue and their own classical literature for the purpose of acquiring a language like Gujaráti or Maráthi which was of no value to them in ordinary life, and possessed but small literary attractions and could only be useful to those who wish to enter into Government service, and that too in those places only where those languages prevailed”. They were cross-examined by the experts on the Commission but even in their cross-examination they stuck to the two points, namely, that the state of primary education was extremely unsatisfactory, that a kind of milestone was thrown round their neck; that they had to study two languages besides their own language, and that the method of study was still more unsatisfactory. More than 25 years have passed by and I admit there has been a considerable improvement—it would be a sheer ingratitude not to admit that Government has not done its duty as far as education of Mahomedans is concerned. I openly express our deepest gratitude for the great sympathy shown in recent years by His Excellency’s Government, but then in spite of all this, what is the state of affairs to-day? There is no class of schools in this Presidency which is more inefficient than the Urdu schools. There are no trained teachers. The head-master is the only Urdu teacher. The method is bad and the best available Mahomedan teachers that are at present educated and trained in colleges are sent to non-Urdu schools, because there they get better pay and their prospects are better. The result is that the Urdu schools are left dry. The tendency of the present day is that primary education would go on increasing more and more and Government would have to spend more and more money in primary education. It cannot be denied that it should be uniform and the benefit derived should be uniform. The Urdu schools should be maintained in an efficient condition. If not, all the money that has been spent on it will be wasted for the simple reason that there has been no inquiry and no expert opinion has been asked for. As a matter of fact there is, instead of progress, a considerable retrogression in certain parts of the Presidency. At present there are three Training Colleges for teachers. There is one for Gujaráti at Ahmedabad, there is one for Maráthi in Poona and one for Kánarese at Dhárwár. There is besides a training school at Dhulia. According to the present state of affairs, the Mahomedan students of Gujarát go to Ahmedabad; the students of the Deccan and Southern Mahrátha Country go to Dhárwár or Poona or Dhulia. In Poona the number of Mahomedan students is 14, in Dhulia 13, in Ahmedabad 20 and in Dhárwár 21. All these students are Mahomedans. Now what happens is this: The Urdu schools are not mere Urdu schools. They are Maráthi, Gujaráti or Kánarese schools. The Mahomedan boys of these institutions have to learn Gujaráti, they have to learn Maráthi and they have to learn Kánarese, because the subjects are taught in those languages. After they have learnt these languages they learn Urdu and in the course of two years, the students learn about 26 pages of Urdu Reader. When this is the extent of their knowledge of their own mother-tongue, you will easily understand the

situation. When the boys, whose mother-tongue is Urdu, are ignorant of it, the whole superstructure of their education must be shaky indeed. What we desire is that Urdu training should be placed on a sound and substantial basis. What we want is that the training of the teachers should be imparted in Urdu and then the vernacular should be taught to them, so that side by side with Urdu they should learn the vernacular of the district of the boys, but at present the principle followed is quite the reverse and this has been going on for twenty years. Before that the Mahomedan boys used to learn their lessons through Urdu. Now in Bombay alone Urdu is taught in Urdu schools and vernacular is taught as the second language. Government should see that the recommendation of the Education Commission is carried out, because there is a strong public opinion that in all the Urdu schools, training should be given through Urdu; and that Gujaráti be taught as second language. If this practice is followed in Bombay, there can be no excuse for following a different course in other parts of the Presidency. If we have to learn through Maráthi or Gujaráti we have to forego our own language, Are boys in their infancy to learn through a foreign language? If so, why are the Urdu schools required? In that case we may as well go to a Gujaráti or a Maráthi school. Government have established and they maintain for our benefit Urdu schools, but we derive very little benefit from them. I will read to you an extract from the order of the Government of India. It is not only a matter of opinion or out of charitable consideration that Urdu is taught, but it is a resolution embodied in the report of the Education Commission. I will read to you an extract from the resolution: "His Excellency the Earl of Northbrook in Council inferred that generally wherever the ordinary vernacular of the country was read and written in Urdu characters there the Mahomedan occupied their proper position in primary and secondary schools founded or aided by the State". In accordance with the instructions the Director of Public Instruction devoted particular attention to the subject, and, as I pointed out to the Council the day before yesterday, two Deputy Educational Inspectors were appointed for Urdu schools and attention was paid to the Urdu schools. But unfortunately a change of Director took place and the whole thing was quietly changed. Our condition, before education was advanced, was better even than what it is to-day and it is due to the fault of the system that we find ourselves in a deplorable condition. We now beg that the recommendations made by the Education Commission after a good deal of mature judgment should be carried out in their entirety and the system of primary education should be changed in accordance with the recommendations of the Education Commission. One of the recommendations is that normal schools for Mahomedan boys should be established. Now, this part of the recommendation has never been carried out. In every report and representation to Government the Mahomedan community pointed out from time to time that unless a separate normal class were established for the benefit of Mahomedans the condition and morale of Mahomedan teachers will never be improved. It should be remembered that not only teaching but the society in which the teachers are to teach should be considered. A Mahomedan teacher who is not acquainted with Mahomedan literature, is entirely useless for teaching Mahomedan boys. He must be not only acquainted with their literature and thoughts but with their traditions and the sentiments of the Mahomedan society. A teacher not acquainted with Mahomedan society cannot exercise such influence as we do on our boys. What we propose is a simple

matter. We do not want to propose any extraordinary or revolutionary change. We say that we have so many boys learning at Ahmedabad, Poona, Dhárwár, and Dhulia and we want that a normal class should be established in some central part. They should be trained by Mahomedan professors, if available and if the public service examination is held in the vernacular of the district they should be taught the vernacular after securing proficiency in Urdu and if any extra tuition is necessary it should be given in that normal class. Two years ago I had brought a motion before this Council for inquiry into the question of Mahomedan education. The Honourable MR. JENKINS was then sympathetic so far as to say that until we established a normal class he would favour the idea of our boys being sent to Nágpur and Bauranati if that would suit the community. I put this suggestion before the Council as food for reflection. I want them to say whether a practical scheme upon the footing which I have suggested cannot be carried out. The advantage of it will be this. At present there is no system of co-ordination or unity. In one part there is one set of books, in another part teachers have not the same high qualifications for teaching and the result is that Urdu is being thus extinguished, while every other language is encouraged. I cannot understand that a language which is the *lingua franca* of India should be neglected and deemed unimportant in the eyes of Government. There is an extraordinary amount of dissatisfaction in the community. I have heard some of the officers using the argument that unless we teach Mahomedan boys good vernacular they would not be able to get into the public service. Now I will point out to this Council that 90 per cent. of the boys desire to learn English and about 10 per cent. would probably go in for service where the vernacular of the district is needed. We have to teach English to our boys. We want that our boys should be taught vernacular until the fourth standard. I do not think that for that ten per cent. 90 per cent. should be saddled with unnecessary burden, because after passing the Matriculation they have to get either to Government or Railway service where vernacular is useless. In consequence of the present objectionable system of training, and the conditions under which our boys learn, the aspirations of the Mahomedan parents and Mahomedan society are thrust aside. The Mahomedan boys should first of all be well grounded in their own language. At present that is not done and the result is that our boys go up to the fourth standard in English. After that they give up Maráthi and they don't go up to the Matriculation Examination; because they always fail in the second language, and there is, therefore, a very limited number of Mahomedan students in the college.

I now come back to the point where I started from, and it is this that in all these primary institutions we desire that instruction should be given through the medium of Urdu; that our children should be taught as I pointed out to the Council in accordance with the recommendation of the Education Commission which is that Hindi should be the chief medium for imparting education in primary and secondary schools. In accordance with the recommendation of the Commission and in consonance with the increasing demand for facilities for learning Urdu, it is necessary that more Urdu schools should be established and they should be made really Urdu schools and the vernacular of the district should be made the second language and facilities should be made available, so that the supply of trained teachers should be always ready at the disposal of the Government. It is not merely Government schools where the supply is

needed; in all aided and indigenou schools there is a great demand for trained teachers. Mr. Sharp received several applications for Urdu teachers, but could not supply them. Under the circumstances unless we have a large and constant supply of Urdu teachers, I think our primary education would suffer and the whole superstructure of education would also suffer. The Mahomedan community now place before Government their urgent request that an Urdu Training College should be established in a central part of the Presidency.

The Honourable Sardár SYED ALI EL EDROOS said:—Mr. President,—With great pleasure I second the resolution proposed by my honourable friend Moulvie RAFIUDDIN AHMAD. My honourable friend, the proposer of this resolution, has dealt with it very exhaustively and therefore I will not encroach upon Your Excellency's Council's time. The only thing I have to say is this that there is a great demand for Urdu-knowing trained teachers everywhere in the Presidency proper which can only be removed by the establishment of an Urdu Training College. I personally know that there are many Urdu schools in Gujarát where the majority of the teachers are Hindus, who are totally ignorant of the Urdu language, while in some Urdu schools except the Head Munshi, the Urdu-knowing teacher, no one who teaches the Urdu, the Head Munshi happen to be absent there is nobody to take the Urdu class also when we refer this question to the authorities they say that there are no trained Mahomedan Munshis and we can't get them for Urdu schools. Therefore I hope that Government will kindly give their most sympathetic consideration to this resolution.

The Honourable Ráo Bahádur SHBINIWAS K. ODDA said:—Mr. President and Honourable Members of the Council,—Having been connected with education for a long time and having had the experience of having managed a Training College, I think I have some right to speak on the resolution brought forward by my friend, the Honourable MOULVIE RAFIUDDIN. The question of an Urdu Training College is a complicated one inasmuch as the Urdu of the Deccan differs from the Urdu of Gujarát, and the Urdu of Karnatic is quite different from that spoken in these two parts. The introduction of instruction in Urdu alone does not help in elevating the Mahomedans above their brethren with whom they have to deal every day. As was said by my friend the Honourable Mr. FAZULBHOY and rightly said, that had it not been for his education in Gujarati, he would not have been what he is now. As all commercial accounts and transactions take place in the vernacular languages of the people either in Gujarati, Marathi, or Kanarese, it is essentially necessary that the Mahomedans should have a knowledge of the Vernaculars. As regards my Division of Karnatic, I can say there are thousands of Mahomedans who cannot speak Urdu and who speak Kanarese at home. They are so mingled up with Hindus that in some classes, the Hindu names have been adopted such as Yallappa or Phakersaheb. Now coming to the question of establishing a Training College as a separate institution for Mahomedans, I cannot fully support the proposal. The existing arrangement in the present Training Colleges meet the requirements. There are a number of subjects such as History, Mathematics, Science, and the theory and practice of teaching that cannot be taught in Urdu. It is essential that it should be as at present taught in Kanarese. Lately I visited Mysore where there is a separate Training College under the same roof. One of them is all Kanarese and the other Urdu. The Principal told me that the Urdu trained Mahomedans

are generally inferior in quality to their Hindu brethren. A division of this sort has its many disadvantages. When boys of different classes are mixed up, the advantages to be observed are that the intellect of the backward classes is developed by contact, good habits are contracted, and higher and noble thoughts come of themselves. Therefore the education of children of different classes collected in one place bears good fruit and has an ennobling influence in the case of the lower classes. Taking the case of public service, a thorough knowledge of the district is necessary. No Mahomedan with a knowledge of Urdu alone is competent to serve in the Revenue and other branches of service, specially the Taluká Offices. Even Government are fully aware of this fact, They have only recently issued orders that the officers should be well conversant with the vernacular of the district. They should be able to converse with people and be in touch with them. While these good intentions on the part of Government are aimed at in this direction, it is necessary that we should always try to be united according to the commands of His Imperial Majesty. The reasons why the masters fail in villages is that their knowledge of Urdu which is confined only to the knowledge in the Urdu Series of Lahore and other places cannot be compared to that of a Moulvie who has received education in a special Madressa where Urdu and Persian alone are taught to the exclusion of other subjects. The schoolmaster is lowered in the estimation of the people who look upon the Moulvie with some respect. Many Mahomedans prefer Kanarese schools to Urdu schools. The trained Urdu schoolmasters apply for places in Kanarese schools and I know that a trained man made repeated requests to the Inspector to send him to a Kanarese school. The employment of good Urdu Local Moulvie, in Training Colleges, will remove the defects; a School Final Mahomedan is of no use in a Training College. In the interests of the Mahomedans themselves—and their interest is also mine as I am much concerned with their welfare—I am of opinion that the present Training Colleges serve their purpose very well. I am, therefore, against the resolution.

The Honourable Mr. DATTATRAYA VENKATESH BELVI said:—Mr. President,—I have carefully listened to the arguments of the Honourable Mr. RODDA, for whom I have the greatest respect. But I have the misfortune to find myself in a position in which I cannot accept his argument, which comes to this—that the Mahomedans are scattered in different parts of the Presidency, and therefore, there should not be one central college for the training of teachers in Urdu schools. I will take his arguments one by one and reply to them in a very few words. His first contention is that some of the Mahomedans are unable to speak Urdu and they only know the vernacular language of their own district. If there are any such Mahomedans, who do not want to study Urdu, they are not to be compelled to go to the Urdu College. The Honourable Moulvie RAFIUDDIN says that just as other people have got their own Colleges, so there should be a College in which teachers would be trained in Urdu language. Mr. RODDA's second arguments is that some of the Mahomedans are converted from Hinduism. May I ask how does that affect the present case? Are we to force them to learn our own language, simply because once upon a time they were Hindus. I do not think that this argument requires any further refutation. His third argument is that there would be a great difficulty in framing the standards and finding teachers in the Deccan. I do not think there would be any such difficulty. There are a number of Mahomedans in Northern India who know Urdu perfectly well, and Government can easily import Urdu

teachers from Northern India and Government can easily frame the different standards. The next argument of Mr. RODDA is that Mahomedans from Karnatic would not attend the College, if it was established at Poona. I submit this is quite a different matter. It is open to the Mahomedans to attend it or not; but it is necessary to have such an Institution when the demand comes from the community.

Then there was another argument used by Mr. RODDA that they would not be employed as clerks or in any such capacity and that if any Mahomedan wanted employment in the public service, he would be required to pass an examination in the language of the district. If we push the argument to its logical sequence it comes to this that no Urdu student, should be employed in the public service because he does not know the vernacular. But I submit that Mahomedans should be treated in the same manner as Hindus.

I think that the arguments advanced by Mr. RODDA are not sound and coming as they do from a Hindu gentleman, I deplore it. I think we should not do anything that would create a wrong impression on the minds of Mahomedans. It is for them to decide whether they should have or they should not have a central Urdu College. It seems to me from the extracts read from the evidence of the late Mr. Badrudin Tyebji and the late Khán Bahádur Kazi Shahbudin that Mahomedan parents are not satisfied with the present state of education among Mahomedans and that there is a desire prevailing among Mahomedans that there should be a central college for Urdu training. I submit, therefore, that it would be the duty of this Council to accede to the wishes of our Mahomedan brethren.

The Honourable Mr. W. D. SHEPPARD said:—Mr. PRESIDENT,—I am inclined to agree with the remarks which have fallen from the Honourable Mr. BELVI when he says we must be careful in dealing with this matter. What strikes me in the matter is that the Mahomedan community have no right to claim any more from the State, proportionately, than any other separate community, and if we take the Hindu community as served by schools and teachers each division of the Presidency has provision made for the training of scholars, and you would not find a teacher who is going to be employed in Gujarát being taught in Poona or in Dhárwár, nor a teacher who is going to be employed in Dhárwár getting his teaching in Ahmedabad. That seems to me to apply with equal force in the case of Mahomedans. In the case of a Mahomedan, if a man learns Urdu in a place where the local tongue is Maráthi, that means he will be relatively of little use if he requires to be in the Northern Division, in the Southern Division, or in Bombay. Therefore I advocate the present practice of having an Urdu training class attached to each of the existing Government Training Colleges in each of the divisions, and I can understand the Honourable MOULVIE objecting to that only if that does not comply with the reasonable requirements of the Mahomedan population. You must compare every requirement of the Mahomedan with the requirements of the Hindus, and the Mahomedans are entitled to get the same degree of support as the Hindus. I am not satisfied from the preliminary arguments of the Honourable MOULVIE that he has established to our satisfaction from the books and authorities which he has quoted the fact that he has any right to claim special treatment of this nature in a country where the language of the country is not Urdu. The students have a right to be trained as masters and to be taught in Urdu,

and that can best be done by arrangement being made for the provision of a proper number of masters in the head-quarters of each division.

The Honourable Mr. R. D. PRIOR said :—Mr. President,—I should like with your permission to take up this question at the point at which the Honourable Mr. SHEPPARD has left it. What he suggested, I think, is practically the institution of a separate Urdu school at each training institution, and this, I fear, would be far too expensive a scheme. I am not quite sure whether the honourable member is aware that we already entertain a Mahomedan teacher of Persian and Urdu. When the Honourable MOULVIE says there is a great and growing demand for trained teachers in Urdu schools I think that he is somewhat overstating the case. As Inspector of the Central Division I have been aware of no such great demand, and I have heard nothing of it from the other Divisions since I took charge of this office. The figures for the training colleges of the last two years are : Poona 14 and 18; Dhulia 13 and 18; Ahmedabad 26 and 26; Dhárwár, 21 and 31. Thus I think we are prepared for any probable increased demand in the near future. As to the schools in the Southern Division, I should very much like to see them myself. I confess I am extremely sceptical and should be glad if Mr. SHEPPARD would arrange to have them looked at by some independent authority. I suspect they will be found to consist mostly of large infant classes.

As to the Urdu Training College for which the Honourable MOULVIE pleads, I should perhaps explain that in the present Urdu schools all subjects except Urdu are taught in the vernacular: thus by making additional provision for the teaching of Urdu and Persian at the Training Colleges we are able to arrange most satisfactorily for the training of Mahomedan students also, and, owing to their familiarity with the vernacular, they are available at a pinch for employment in vernacular schools also, and I consider it is an excellent thing for them intellectually to rub shoulders with their Bráhma fellow students.

But what I understand the Honourable MOULVIE to advocate is the inauguration of an Urdu Training College in which the medium of instruction shall be Urdu, while the vernaculars will be relegated to the place of a "language" and will be given only about one hour a day. I am strongly opposed to this proposal. If Urdu is to be used at all as the medium of instruction, I presume it must be the correct Urdu of Upper India. Now it is a matter of common knowledge that the so-called "Hindustani" of these parts is highly corrupt and largely adulterated with the vernacular of the district, so that we should have to import teachers from the North in order that they might teach the students Urdu from the beginning, and these students, in turn, would go out to teach the children of the villagers what would be to them practically a new language.

I may cite the following illustrations:—At Ahmednagar last year an appeal was made against the use of Urdu as the children could not understand it as a medium of instruction. At Chiplun the Municipality employed a special teacher from the North. He knew no Maráthi and could make nothing of the local Hindustani: the local Mahomedan sent to the rescue could not understand his co-religionist. The master was very miserable, professionally and socially, but, with many offers of resignation, on the encouragement of the Deputy Educational Inspector, struggled on for more than two years. I do not know whether he is still there. Again, the Anjuman-i-Islam at

Ratnágiri engaged two up-country Mahomedans for their Urdu school, but they could not make themselves understood and resigned within six months.

It is the tendency in all countries for the minority to very gradually adopt the language of the majority very largely; witness the case of the Pársis in Gujarát, of the foreign immigrants into the United States of America, and of the Jews everywhere. Thus we are invited to supply a most expensive institution with the unprofitable object of trying to put back the hands of the clock! And supposing the Urdu College is established and that the teachers have been taught the Urdu of the North, and the children have been taught to speak it also, what will the result be? When I was recently at Dhulia two Mahomedan lads with the Urdu-Maráthi final certificate came to me to ask for work, as they found they were not wanted in the other departments. I could only answer that I had all the Urdu masters I wanted and that I could not hold out any prospects of early employment. If men are turned out of the Training College who have not a decent knowledge of the vernacular—and it is far from probable, as suggested by the Honourable Mr. BELVI, that they will have the time or the means to obtain an intimate knowledge of the Vernacular in addition—the supply will very quickly overtake the demand, and Government will have either to create posts merely to supply these men with jobs or the College will have to be shut down: in either case it will be Government who will have to stand the shot and not the Honourable MOULVIE. While I am quite ready to admit that the present Urdu standards are capable of improvement, I consider that in arranging for the acquisition by Mahomedans who wish for it of a fair amount of Urdu, Government is doing all that can be reasonably expected by the community in this part of India. I therefore hope that this Council, in the interests of the poor Mahomedans themselves, will endorse my view by rejecting the resolution.

The Honourable Sir IBRAHIM RAHIMTOOLLA said:—Mr. President,—I do not wish to speak on the discussion that has taken place in this Council at any great length, because if one were to offer remarks on the various points raised in the discussion so far, the time occupied in the discussion of this motion would be considerably prolonged.

I, therefore, intend, Mr. President, to confine myself to the motion which deals merely with the suggestion for providing a Training College for Urdu teachers. Mr. President. I have had some considerable experience in the matter of primary education in Urdu schools and also Urdu teaching in the city of Bombay, because I am associated with the Schools Committee for many years. I have got various statistics to show how very necessary it is that some provision should be made for training Urdu teachers. It appears to me that the main issue before the Council is whether the schools that Government are maintaining in different divisions in the Presidency are to give efficient teaching to the pupils who attend them or whether these schools are maintained at heavy State expenditure without securing such efficiency which we are entitled to claim as a result of that expenditure. I don't think I need point out what Government have repeatedly laid down that it is essentially necessary that primary schools should be, as far as possible, in charge of trained teachers, and in order to provide a supply of trained teachers they are maintaining three Colleges and one school which provide teachers for the primary schools. I have some experience of the work that is done in schools by trained and untrained teachers, and I am entirely in agreement with Government that trained teachers are essentially desirable for the purpose of imparting educa-

tion in primary schools. Then the question arises whether we are doing anything to provide trained teachers for the number of Urdu schools that we are maintaining in the Presidency, and if we are not doing that, is it fair—I will ask, Mr. SHEPPARD, is it fair—that while teachers in all other schools should be largely trained and that while those schools should have the benefit of experienced and trained teachers, the Urdu schools which are attended by Mahomedan pupils should be content with teachers whose qualifications are admittedly inferior? All that is wanted by Mahomedans is that the same class of efficient teachers should be provided in Urdu schools as are provided at State expense for other schools. Before I proceed further I should like to refer to the question whether the teaching of Urdu is advantageous to the pupils themselves. The Honourable Mr. RODDA raised this point and the Honourable Mr. PRIOR supported it. The question which is very difficult to answer is whether it is not preferable in the interests of the pupils themselves to learn the vernacular of the district in which they reside. I venture to submit that the question rests at the discretion of the parents. As Mr. BELVI pointed out, it cannot be right that the inclination of the parents should be forced in the matter of the vernacular which they wish to teach to their children. The choice of the vernacular for the study of their children must remain at the option of the parents. Government themselves appear to recognise this by providing in each Division a sufficient number of primary schools for the teaching of the local vernacular as well as of the Urdu language. This point may be correctly appreciated by some figures which I have collected. The statistics of pupils attending Urdu schools in the different divisions of the Presidency shew that in the Central Division the number of Mahomedan pupils is 11,083; in the Northern Division the number is 8,472; in the Southern Division 9,960; in Sind 745; Káthiáwár 1,272; and Bombay City 3,825; the total number of pupils in Urdu schools in the Presidency being 35,357. In Sind, the attendance of Mahomedan pupils per school is 67. Against a total population of 24 lakhs only 745 children attend Urdu schools. It clearly follows therefore that the parents have chosen the vernacular of the District, which is Sindhi, for the instruction of their children. No one wishes to force them to take to Urdu. In regard to the other three Divisions and the Bombay City, the total number of pupils in Urdu schools comes to something like 33,000. Looking to the figures in the report of the Director of Public Instruction, the total number of Mahomedan children attending primary schools is 120,000. If we take the full figure, the number of Mahomedan pupils attending Urdu schools works out at something like 25 to 28 per cent. If however Sind and Káthiáwár are excepted, the total would work out at 40 to 50 per cent. If these statistics show anything, they clearly show that in the three Divisions the parents who have the option of sending their children either to Urdu or local vernacular schools choose to send fifty to sixty per cent. in the primary schools teaching the local vernacular in preference to sending them to Urdu schools. No one wants to take them away and put them in Urdu schools. If the parents believe that it is not to their advantage to send them to Urdu schools, it is not required that they should be forced to do so. In the same way, in regard to the 40 to 50 per cent. of the pupils who attend the Urdu schools, it is not reasonable that they should be forced to attend the primary schools teaching the vernacular of the District. It appears to me that the question whether it is advantageous for Mahomedan students to attend Urdu schools or the local vernacular schools can be answered only in one way and that is that it must be left to the discretion of the parents. I venture to submit that in providing Urdu schools Government themselves have recognized the principle that parents may exercise this

option. A large proportion of boys, as I have shown, even now go to other vernacular schools. Government are acting wisely in providing schools in each Division of the Presidency, schools for the teaching of Urdu as well as the local vernacular. The only difference is that while a sufficient number of training Colleges are provided for training teachers in the local vernacular, no provision is made to train teachers directly in the Urdu language. It must be obvious that if you provide these Urdu schools, you must also provide means to secure the same class of teachers as you provide for other schools. I will now point out what has been the difficulty of the Schools Committee in Bombay in getting trained Urdu teachers. In Bombay City where the cost of living is high, we pay higher salaries both to trained and untrained teachers, and though every effort is made to secure trained teachers our efforts have been unavailing. I may inform the Council that out of the total number of 150 teachers in Urdu schools, the number of trained teachers is only 15. The difficulty as to why we don't get a sufficient number of Urdu teachers is this. At present, the admission to the Training Colleges is conditional upon the student passing the vernacular final examination. That vernacular final, the passing of which alone entitles the student to enter one of the Training Colleges, is held in Maráthi, Gujáráti or Kánarese. So the student who wants to qualify himself for admission into one of the Training Colleges has to learn Maráthi, Gujáráti or Kánarese, and to pass the vernacular final examination in one of them, before he is entitled to admission. It is obvious that this is not fair to a Mahomedan student who wishes to enter one of the three Colleges to qualify as a trained Urdu teacher. The first suggestion that I wish to make is that the vernacular final examination should be held in Urdu also. In the Training College the medium of instruction is Gujáráti in Ahmedabad, Maráthi in Poona, and Kánarese in Dhárwár. Urdu is taught as a second language and in the words of the Honourable Mr. PRIOR it is "relegated to a language". The pupils who are turned out under the existing system qualified as Urdu teachers are more competent in the local vernacular than they can be in Urdu which they are called upon to teach. So the second suggestion which I wish to make is that if the bar which is at present provided against Urdu students for entrance in the existing training Colleges of passing the Vernacular final examination in Gujáráti, Maráthi or Kánarese is removed, and if some arrangement is made in one of the existing Colleges to impart training in Urdu as a primary language and Maráthi, Gujáráti or Kánarese as a second language, I am sure, a solution will be found. I would respectfully request Government to favourably consider my suggestions in case they do not propose to incur the heavy expenditure involved by the acceptance of the proposal of the Honourable MOULVIE RAFI UDDIN. I am prepared to appreciate the difficulty that lies in the way of founding a separate Training College, but I earnestly trust that His Excellency's Government will take into their favourable consideration the suggestion that the vernacular final examination should be held in Urdu also and that some satisfactory arrangements should be made in one of the existing Training Colleges to impart training in Urdu primarily and in the local vernacular as a second language. The teachers who are now engaged in giving instruction in Urdu may be utilized and additional teachers may be engaged in one of the Colleges to give effect to my suggestion. The actual cost of the scheme would be very small indeed, and I trust Government will be pleased to undertake it. Before this small expenditure Government will have taken steps to remove one of the serious difficulties in the way of efficient teaching in Urdu.

Schools and will have provided due facilities for those students who desire to qualify as trained teachers in Urdu. With these remarks I commend my suggestions to the favourable consideration of Government.

The Honourable the VICE-PRESIDENT said :—As it is now nearly six o'clock I propose to adjourn the meeting until 11-30 to-morrow. I also propose to rule, under rule 18, that this resolution has been sufficiently discussed, and I shall therefore commence to-morrow's proceedings by calling upon the Honourable MOULVIE to respond. I also rule under rule 22 that to each of the three remaining resolutions there be allotted 1½ hours.

The Council then adjourned till 11-30 a.m. on Thursday, July 11th.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,

Secretary to the Legislative Council.

Poona, 10th July 1912.

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

The Council met at Poona, on Thursday, the 11th July 1912, at 11-30 a.m.

P R E S E N T :

- The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S., *presiding.*
The Honourable Mr. MAHADEV BHASKAR CHAUBAL, C.S.I.
The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Sardár LAKHAMGAUDA BASAVPRABHU, Sar Desái of Vántmuri.
The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GEORGE CARMICHAEL, I. C. S.
The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.
The Honourable Sardár PURUSHOTTAMDAS VIHARIDAS DESAI.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Sardár NABAYANRAO GOVIND *alias* BABA SAHEB GHORPADE,
Jághirdár of Ichalkaranji.
The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Ámod.
The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁO, Ráje of Málegaon.
The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR
The Honourable Mr. LALUBHAI SÁMÁLDÁS MEHTA.
The Honourable Mr. G. P. MILLETT.
The Honourable Sardár Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.
The Honourable Sardár Dávar KAIKHOSEO EDALJI MODI.
The Honourable Sardár COOPOOSWAMY VIZIARUNGUM MOODLIAR.
The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. GOKULDÁS KAHÁNDÁS PAREKH, LL.B.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. R. D. PRIOR.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHEB RODDA.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable Surgeon-General H. W. STEVENSON, C.S.I., I. M. S.
The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
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The Honourable the VICE-PRESIDENT:—In the absence of His Excellency the President I take the chair. We will continue the discussion on the resolution of the Honourable MOULVIE, and I call on him to reply on the debate. He will recollect that the time allotted for this resolution is half an hour and his own time is a quarter of an hour.

The Honourable MOULVIE RAFIUDDIN AHMAD, in reply, said:—Mr. President, we have had a very good discussion upon my motion, and I am glad that all my honourable colleagues, who are representatives of the Mahomedan community—I mean the Honourable SYED EL EDROOS from Gujarát, and the Honourable Sir IBRAHIM RAHIMTOOLA from Bombay—have both expressed their entire sympathy with the resolution. Of course, the past and present officers of the educational department have not shewn that sympathy with this resolution which we have a right to expect, but I am surprised at the unsympathetic attitude of the acting Director of Public Instruction. As Mahomedans have been well aware, he has anti-Urdu views, so much so, that among Mahomedans, he is called Pandit Prior. I am not complaining of his personal views, excepting so far as that from his seat in the Council he made a statement, which is likely to carry a wrong impression, and would spread among the Mahomedan community a feeling of discontent, and give them a just ground for complaint. He says that there is no demand for Urdu teachers. The Honourable Mr. SHARP has told you that from time to time, he received applications for trained and qualified Mahomedan teachers, but he could not meet them. At the present moment in Poona alone, we are in need of half a dozen trained teachers, but we are unable to get them. It is rather idle to say that there is no demand for Urdu teachers. Another thing which the Director of Public Instruction dogmatically mentioned, was that the Urdu of Northern India was not intelligible to the Mahomedans of this Presidency. Well, I should have wished that the honourable member had not made this statement. In the first place, it is strange, that he should decide what is Urdu and what is not Urdu, without knowing a word of Urdu. The Honourable Mr. RODDA also made a statement that the series now in use in Government schools, was the Lahore and Punjab series, compiled from that of the Northern India. If, therefore, the officer of the Educational Department itself considered the boys of this Presidency fit enough for the Urdu books of Northern India, it is idle for the Honourable Mr. PRIOR to contend that the Urdu of Upper India is unintelligible. I appeal to such of the members of the Council, who are acquainted with Urdu, that Urdu as written in this Presidency is just the same as in Upper India or anywhere else. Some corruption might have been introduced here and there, but as a matter of fact, Urdu is the same everywhere. If the Honourable Mr. PRIOR had come to the Moslem Educational Conference in Poona, he would have seen how Mahomedans from different parts of the Presidency, such as Gujarát, Khándesh, and Southern Marátha Country, delivered speeches in Urdu, which were admirable and they were complimented by representatives from Upper India on their elegant diction. Even to-day, the boys of this Presidency versify in Urdu in a way which has won encomium and admiration from men of Northern India. So long as there are to be found men in the Deccan, who can challenge comparison with their compatriots in other parts of the Presidency in the composition of verses the charge that has been laid against them cannot be sustained for a moment. The Honourable Director of Public Instruction further says that the minority falls in with the language of the majority as

the Parsis have been absorbed as far as language is concerned among Hindus; but he forgets that the case of Mahomedans is altogether different and the remarks are contrary to facts. The Parsis do not speak Persian and they have introduced another mixture. The real language of India is Urdu and other languages are divisional. But in all provinces, there is nothing of which Mahomedans are prouder than their religion and their literature. Philosophically Mr. PRIOR's remarks may be good, but in practical life, his remarks are altogether erroneous and contrary to facts. Now I come to the remarks of Mr. RODDA. He has been most effectively answered by my Honourable friend Mr. BELVI, who is sitting on my left; he has justly reproached Mr. RODDA for importing a sectarian spirit which was quite foreign to my view of the question. We want the same facilities for the training of our children as others have got. Our mother-tongue is Urdu and what we want is that it should not be dead in our schools. We don't want to force our language upon others whose mother-tongue is not Urdu. We only want provisions for the teaching of our pupils, whose mother-tongue is Urdu. The recommendations of the Education Commission in regard to the facilities given to the Mahomedan community have not been carried out in this Presidency. Mr. RODDA gave an instance of the Honourable Mr. FAZULBHOY, but his language is not Urdu; he is a Khoja Mahomedan, who speaks a Hindu language and follows Hindu law. To say that he is a typical Mahomedan representative is not true; he is only a representative of the Khoja community; he does not represent a Mahomedan constituency; the Mahomedan representatives of the Mahomedan community assembled in conference for four successive years, have deliberately given their opinion through His Highness the Aga Khan, that the instruction in Mahomedan primary schools should be given in Urdu, and that for that purpose trained Urdu teachers are essential. I now come to the remarks of the Honourable Mr. SHEPPARD. He says that Government cannot grant to the Mahomedans more than their due, and cannot offer them a different treatment. I entirely agree with the proposal. We don't want more than our due. We want that justice should be done to us, and if any facilities are provided, they are not provided because we are Mahomedans but because we are backward. Certain backward communities are provided with certain facilities, because they are backward. So long as a community is backward in education, it would be the duty of Government to give them extra help. The first recommendation of the Education Commission which has been adopted is that the special encouragement of Mahomedan education should be regarded as a legitimate charge on local and provincial funds. We have a right to expect that as far as the encouragement of Mahomedan education is concerned, and as far as the provision of teachers is concerned, more money should be spent and Government should take into consideration the urgent representation of the community. Government could have no hesitation in applying provincial grants to the cause of Moslem education. It has been said that the training of Mahomedan boys through the medium of vernacular has been going on for years, but I have pointed out that twenty or twenty-five years ago, in every primary school, the education of Mahomedans was conducted through the medium of Urdu. It is in recent years that the standard has changed; the Mahomedan community has not been consulted in the change. I will read an extract from the remarks of the late Mr. Badrudin Tyebji, than whom no abler authority on Mahomedan education can be pointed out. He was so much incensed at the ways of the education department that he said :—(Reads). A similar opinion has been expressed by the late Kaji Shahbuddin. I think the time has arrived when something should be

done in this matter. Since the Reform scheme came into existence, we have appealed to the Government to take into consideration the feeling of the community in regard to the most important matter in education. Our friends of the Congress, and other parties have complimented the Government on this scheme, and I want to say that we have a right to demand a fair treatment where the education of our children is concerned.

Now, my Honourable friend Sir IBRAHIM RAHIMTOOLA has made two suggestions. These suggestions are very good in their own way, but a proposal of that kind cannot be carried out without having a Urdu normal school. Sir IBRAHIM RAHIMTOOLA suggests that the Vernacular School Final should be dispensed with in the case of Moslem students in the Training Colleges intended for the purpose of training Mahomedan boys for the Urdu schools. This is necessary because the whole medium of instruction is the vernacular of the division. This can be dispensed with, only when Urdu becomes the medium of instruction, and this can only be done when we have an Urdu Normal School, because if our boys do not pass the vernacular test of the examination, they would not be able to follow lectures in Training Colleges. The other suggestion is that Government should set apart one of the existing training colleges for the purpose of training Mahomedan boys for Urdu schools. Now I do not care whether you have one of the existing training colleges for the purpose of receiving Mahomedan boys from all parts of the Presidency, provided you have training through the medium of Urdu. It will be impossible to carry out these suggestions unless you have some arrangements made to impart instruction through the medium of Urdu. As long as Urdu is taught through trained qualified teachers, I have no objection to the arrangement.

The Honourable Mr. C. H. A. HILL said :—Mr. President, I think I may say at the outset that Government cordially welcome the resolution proposed by my honourable friend the MOULVIE, because it has certainly resulted in a discussion of considerable interest, and it has also established, I think, beyond cavil, that the subject is an extraordinarily difficult one. I do not propose—and it would not be possible in the time available—to follow the Honourable MOULVIE and the various honourable members who have spoken through all the various points they have touched upon, but I must notice one or two remarks of the Honourable MOULVIE before I try to bring the subject back to its main principles and to explain why it is that it deals with a matter which, in the view of Government, needs the most careful consideration and cannot hastily be undertaken. I wish at once to dissent emphatically from the view that that high officer of Government, said to be known as Pandit PRIOR, is unsympathetic to Mahomedan education. I have perhaps better opportunities of judging, often having had many conversations with him on the subject, than the honourable mover of the resolution, and I can only say that Mr. PRIOR has whole-heartedly endeavoured to give effect—partially at all events—to the views of the Mahomedan community as expressed in the resolution. Again I confess to being rather amused at the Honourable MOULVIE's description of Mr. PRIOR's speech as being philosophical and his own as being practical. I confess to feeling that on the whole it would be a more appropriate comparison if the descriptions were reversed. I trust I shall not be misunderstood in saying that the subject of this resolution is one in respect of which we must go slowly. It is a matter which is not only of vital practical importance, but it is one which ramifies in many directions and which we must regard not merely from the immediate necessities of the case but from

the point of view of the ultimate advantages of the community. I did not understand the Director of Public Instruction to say emphatically there was no demand for the measure advocated, but that the evidence at his disposal did not establish the fact that there was a great and growing demand at present for the complete realisation of what is urged upon us, and with regard to that I should like to say a few words. After all, the establishment of a great and growing demand is, and here I sympathise with the honourable mover of this resolution, a difficult thing to demonstrate, and it is quite possible—in fact I feel convinced myself—that there is a demand for the establishment of an Urdu Training College in the Presidency, but then it becomes a question of proportionate needs. A demand in the eyes of Government, before it can be met, must really be what may be described as an effective demand. That is to say, in relation to the many other demands on the purse of Government, it must be of such a pressing character that we can afford to sacrifice something else in order to secure its fulfilment, and that is the problem of government, not only in respect to this resolution, but in all matters. Honourable Members hardly realise that Government are not playing with their own money, but with the taxpayers' money, and they have to weigh the various demands of the several departments and the various needs of the populations of the Presidency, and after weighing them to allot the proceeds of taxation in due proportion. That is practically the whole problem of government, and I am quite certain this Council will endorse what I say when I urge that it is the true test to apply to everything which involves expenditure. Now, it is admitted that this resolution, to carry it into effect, must involve very considerable expenditure. Well, I have endeavoured to apply the test just described to this case, and it is extremely difficult to apply it fairly in a case of this sort, which rests altogether on contradictory statements on both sides some of which are altogether insusceptible of verification. There are, however, certain statistics which may help you to measure the degree of importance of this need. There are in this Presidency, excluding Sind, 518 Urdu schools; excluding Sind there are 9,090 Vernacular schools; and there are four training colleges, that is to say, there is one training college for every 2,273 Vernacular schools. Well, I appeal to the honourable mover of this resolution to say whether we should straight away be justified in respect to 518 Urdu schools in going to the enormous expense of establishing a complete, self-contained, Urdu Training College. It represents, as he will see, one-fifth of the number of schools for which a training college is otherwise considered necessary. But I trust in applying this test that the Honourable MOULVIE will not think I have ignored, or am unsympathetic to, the aspirations of the community. Not at all. It is simply a question which has to be considered with all the other demands on Government, and as a consequence of that it becomes also necessary to examine the degree in which, so far as Government have the power of ascertaining, it can be said there is a great and growing demand—how far that demand is an actuality, how far it is a potentiality—and from that point of view I cannot help feeling—I don't know whether the honourable mover of the resolution will bear me out or whether he will contest the point—but I cannot help feeling there has been, to a certain extent, an endeavour to promote a sentiment. I do not criticise the action of those who promote it—it may be very laudable—but I think there has been that endeavour in recent years, and the idea has been suggested that, with regard to the Mahomedan language, in so far as it can be said that there is a distinctively Mahomedan language, it is rather beneath the dignity of the Mahomedans of this Presidency not to stick to that language. I cannot help thinking there is something in that

idea, because I feel that I should myself probably do the same thing as the honourable mover of this resolution had I been in his place. Therefore, I fully sympathise with him, but in support of my belief that there has been a tendency to promote sentiment, I may cite, I think, the Honourable Sir IBRAHIM RAHIMTOOLA who pointed out that in Sind, which is a Mahomedan Province, but where Urdu has never permeated, the Mahomedans are perfectly content to use the local language, Sindhi; and that is a very strong argument against the contention underlying the whole of this Pan-Mahomedan language agitation, *viz.*, that Urdu, because it is spoken in Delhi and the surrounding districts, is therefore the only language which should be cultivated by Mahomedans. Now, before the sentiment got beyond the initial stages, there was an enquiry—to which the Honourable MOULVIE referred—by the Government of India into the condition of Mahomedan education, and the Honourable MOULVIE has favoured us with some quotations. I cannot help feeling that these quotations do not quite bear out his contentions. He quoted very fairly himself, and omitted no words relevant to the point, but all the recommendations which were made in 1885 were qualified by such words as those which the Honourable MOULVIE himself quoted—“Except where the community has adopted another language.” That seems to me to vitiate that part of the Honourable MOULVIE’s argument which was based upon the resolution of the Government of India of 1885. Not only so, but the Bombay Anjuman-i-Islam in 1885 insisted on the vernacular being retained in preference to Urdu. That was of course before this language movement permeated this Presidency. It was then felt that the interests of the Mahomedans lay in identifying themselves to a large extent with the needs of the Presidency, commercially and industrially, as well as in every other way, and that it would be unwise to do anything which would set them apart from those interests. That being so, I think I am justified in attaching some credence to the view that sentiment is, partly at all events, at the bottom of this resolution. I do not wish to lay undue stress on the circumstances brought to our notice by the Director of Public Instruction, but it is relevant to the issue to say as I am able to say from my own knowledge that Urdu, as spoken in the Presidency, is not the Urdu of Upper India, and that the Mahomedans of the Central Division and of Gujarát do not understand the language as spoken in the United Provinces.

Well, for these reasons I cannot help thinking that the resolution proceeds on an assumption which has not been established, *viz.*, that the great and growing demand is already there. It may come to be a great demand; it is, I believe, growing, but for the moment it has not arrived in an effective form such as to justify the establishment of the College. On the other hand, I gladly welcome, and was very pleased to hear, the suggestion of a half-way house made by the Honourable Sir IBRAHIM RAHIMTOOLA. It is a difficult thing, I admit, to bring about a set of circumstances which will enable us in one of the Training Colleges at present existing to introduce successfully the experiment of a complete training in Urdu throughout. The honourable member’s suggestions, as I understood them, were that the vernacular final examination should, at the option of the examinees, be taken throughout in Urdu. I can undertake to say that Government will give a full trial to this experiment. The other suggestion was that instead of imparting the instruction to Musalman students in the Training Colleges throughout in the vernacular, there should be an addition to the staff of one or two Urdu-knowing professors in one Training College, as an experiment, who should carry the

training through in Urdu to such students as desire it. That, as the Honourable MOULVIE pointed out, is a difficult matter. It means, as far as I can see, the introduction of teachers from Northern India. Possibly the local Moulvie might be engaged, but in any case it probably means the importation of some one not at present in the Education Department of the Bombay Government. But while we have not had time fully to consider the details of the proposal, I will undertake that Government will consider, whether as an experiment for a period of one or two years, they cannot carry it into effect; and I claim that, in doing this, we are really providing the soundest way to ascertain the truth of the allegation that there is a great and growing demand. Of assertion on the one side and contradiction on the other we have had plenty, and that is of very little value, but here we have suggestions by which, if we follow them up, we shall get at the truth of the matter. We shall find out if Mahomedans who elect to go into the teaching profession will prefer to study throughout in Urdu and to pass out and become teachers in Urdu, or whether they wish to learn to teach in the vernacular. I trust that it will be admitted that Government, in doing this, are making every endeavour to get at the truth of the assertion upon which this resolution is based, and I almost hope, in view of these circumstances, that the honourable mover of this resolution will not insist on putting his motion to the vote, but will consent to withdraw it on Government giving the undertaking I have mentioned.

The Honourable Moulvie RAFIUDDIN AHMAD then withdrew his resolution.

The Honourable the VICE-PRESIDENT:—The next item on the agenda is the resolution which stands in the name of the Honourable Mr. KARANDIKAR with regard to village police. This is an adjourned resolution and it perhaps may save the time of the Council—I understand not a few members are desirous of bringing today's business to a close at lunch time—if I intimate to the honourable mover that I am prepared to accept this resolution if he will consent to introduce the words "continue to". The point is that we have been giving attention to the subject and are perfectly willing to continue to do so, and if the honourable member will insert those words I will at once accept the resolution.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR:—Mr. President, I am quite willing to put the words in. I have already acknowledged that Government have done much by their resolution of 1905, and I hope they will continue to take interest in the matter.

The Honourable the VICE-PRESIDENT:—Then the resolution is: That the Governor in Council may be pleased to continue to give his attention to the betterment of the status, capacity and remuneration of the Village Police.

The resolution was then carried as amended.

The Honourable Mr. GOKULDAS KANANDAS PAREKH said:—Mr. President,—The resolution of which I have given notice runs thus:—"That the Governor in Council may be pleased to appoint a special officer to inquire about the causes of the increase of crime in the district of Kaira and the suitability of preventive measures which are now being used to repress it." Mr. President, the whole of the province of Gujarat and particularly the district of Kaira are at present in a very pitiable condition. In the

first instance there is an amount of serious crime; the people are suffering from losses by murder, serious injury to person and heavy loss in property, and they are suffering in many other ways from the troubles caused by lawless people. Expensive repressive measures have been resorted to for no fault of theirs but for the guilt of parties who are outsiders, whom they hate and with whom they have no sympathy. These repressive or punitive measures are adopted at the cost of law-abiding people and yet a representative of Government in an open Durbár thinks it proper to speak of these persons as having wilfully combined for the purpose of protecting offenders by keeping back evidence and suppressing information. This is at present the condition of things that prevails in Gujarát. As regards the increase of crime, I am sure there is very little doubt left in the minds of the members of this Council after the paragraphs that I read to you on Monday last from the reports of 1907, 1908 and 1909. I will not therefore inflict upon you any repetition of these paragraphs. I am sorry I was not able to convey to the Council with sufficient clearness the fact that the condition of increased crime continues up to date. From the remarks that were made by my honourable friend Sir RICHARD LAMB it seems I left the members of the Council under a wrong impression that I was giving merely past history and that I was not reviewing the things as they now exist. I may state that I had described the condition of things as they were found after the reorganisation of the police in Gujarát in 1909. I had quoted an extract from the report of 1910 which I think it is necessary to quote again. (Reads.) "In his report of 1910 the Commissioner quotes the Kaira District Magistrate who says it is unfortunately notorious that there are numerous gangs of dacoits and robbers and thieves and yet the columns opposite No. 30 of Class III of Statement A are blank and adds that murders also occur which are not found in the police reports. The incredible boldness of the dacoits and murderers which has attracted the attention of Judges is alluded to in the District Magistrate's remarks. Mr. CHUCKERBUTTY has also referred to the prevalence of the habit of criminal intimidation, the posting of letters which is of common occurrence, is usually followed by some forcible demonstration, if they are not attended to. Few of such instances are reported."

This carries the matter to 1910. But I did not stop there. I attempted to carry the Council to the condition of things that prevailed up to 3rd June 1912. I referred to the statement of the representative of the Government made on that day and I submit that the circumstances to which he referred were not regarded by him as a mere matter of history but facts which existed at the time he was addressing the Sirdars. I think it is necessary that I should refer this Council to what he stated on that occasion. He said: "Gujarát is a wealthy place, inhabited for the most part by quiet and apparently law-abiding classes and as such one would not ordinarily expect to find year after year crime accompanied by violence and yet look at our last returns; for example 86 murders, 7 attempts at murder, 50 cases of culpable homicide not amounting to murder, 51 dacoities and bad cases of house-breaking. These figures which are by themselves sufficiently serious, are rendered still more so by the percentage of undetected and unpunished crimes to cases brought before Courts. Probably, if I ask any of you what you consider the reasons are which lead to so many serious crimes being either altogether burked or allowed to go unpunished, you would suggest the incompetence or corruption of the police. I maintain, however, that it is not the chief reason. The root of the evil seems to me is this, that in this country men of position too often forget that crime is a

menace to public welfare being by no means confined to the criminal and its immediate victim. Every crime allowed to go unpunished is but an inducement to further crime, and we see no better illustration of this than in the Kaira district, where, as you know, it has become necessary now to adopt special measures. In the district of late years crime seems to have been steadily encouraged by an increasing immunity of criminals from punishment brought about by what is believed to be a wilful and widespread conspiracy of silence. This could never have happened if the headmen of the villages and the leaders in the town had not lost sight of the responsibility which they owe to themselves, their neighbours, and the state. It is not for them to stand idly, leaving the police to grope blindly for information or evidence. Our task in Kaira where we mean to restore order will be rendered easier for us, if we have the co-operation of those who would be leaders of the people. I make these remarks not solely with reference to Kaira district but also to crime throughout the division with a hope that Government in the matter of detection and punishment of crime may receive everywhere from the people all the assistance which they have a right to count upon." It cannot be said that the Commissioner was not referring to the condition of things as they were on the 3rd of June 1912; during the interval we have not been able to get any information from Government and though five weeks have elapsed since the 3rd of June last no change for the better has taken place. We must take it then that so far as the condition of the crime is concerned, things continue as they were in 1909. Now I will make a few observations in reference to the remedial measures adopted for the purpose of suppressing crimes. For some years past additional police has been posted in 26 villages of the Kaira district with the object of diminishing crimes and so far as the cost of this is concerned it is paid by the 26 villages. We find that even teachers, school-masters, talaties, and the peaceful inhabitants of the small colonies started by Christian missionaries who have done so much and are doing so much for improving the moral condition of the people of the country have been subjected to the payment and contribution towards the cost of this police. So far as I can judge very little good has come out from the posting of this punitive police. Since October last the Criminal Tribes Act. has been applied to the Dharalas and Vagharies of 55 villages of the Kaira district. This measure has now been applied for 10 months and I do not find any good result. Then, again, in addition to the 26 villages, additional police has been posted in two other villages; since March last the cost of this police is to be paid by the male adult inhabitants of Dumral of the Nadiád taluká, and in the town of Mehmabad the cost is paid by the Vadadra population, which is made to bear the charges. So far you will see that the measures which have been taken have proved unsuccessful. I wish to bring to the attention of the Council another very serious aspect of the question. People not belonging to the criminal classes, but such as are supposed to hold high position in society and are regarded as respectable people are dragged to a Magistrate's Court and are called upon to furnish securities for good conduct. This course has been now adopted for some months. I will allude to a typical case of one BAPUJI SIVDAS who was a Pátidár and a Matádár who, in the ordinary course, would have by this time become the patel of his town. This man was regarded as a respectable man not only by the members of his own community but by the entire population of his village. Reverend Mr. Steele, the head of the Irish Presbyterian Mission at Anand, who was a very intimate acquaintance of the Matádár, came forward to say that he was a man of considerable respectability and not likely to mix up indisreputable things. Another gentleman of the Presbyterian Mission, Reverend Mr. Boyd of

Cambay, who had come in close contact with the man, also came forward to testify to the fact that the Matádár was a man of high character. Then Khán Bahádúr Bomanji Edulji Mody, who knew the man intimately, also gave him a very high character. It was through the effort of this man that a sum of Rs. 20,000, which was being swallowed up by the police was recovered. A man like him is dragged as a criminal for the purposes of security being taken from him for good conduct. I submit, Sir, that such things lead to two inferences, the first that the police is so completely ignorant of the condition of things that they cannot recognise between a respectable man and a criminal. The second inference that I can draw is that the police want to show to the people of the district that they are so powerful that no respectability and no honesty will protect a man upon whom they have their eyes.

This is the condition of things which I certainly think is not at all desirable. I have spoken of the instance of Bapuji Sivdas, but I may mention other instances where the police were able to obtain orders from the Divisional Magistrate for obtaining security of 2 other Patels and these orders were confirmed by the High Court. But even the cases of this kind prove very little. When official prejudices run very high, people are brought before Divisional Officers on hearsay evidence which is permitted in security cases. I will not be at all surprised if an officer comes to an erroneous conclusion in reference to the character of a person. Then so far as the High Court is concerned, their Lordships according to the usual practice do not enter into evidence of facts of the case and therefore the confirmation does not mean much. So far, I have referred to the measures which have been taken for the purpose of repressing crimes and which as I have pointed out have proved to be unsuccessful. Now I wish to draw your attention to the remarks which were made before the Sirdárs of Gujarát by the representative of Government. In reference to these remarks I will not refer to the question of taste, when on an exceedingly solemn occasion the Commissioner of the Northern Division invited the Sirdárs of his division and addressed them "You are engaged in an unlawful conspiracy for the purpose of suppressing evidence and suppressing information and that you are thereby encouraging the commission of crime within your division." I do not wish to dwell upon the taste of such pronouncement as, in the first instance, I consider it a matter between Government and their representative, and I know that Government will do its best to see that the dignity of that high office is not lowered by the imprudent pronouncement of its representative and in the second instance because I know that the Sirdárs are a powerful body, they are represented by capable gentlemen, and they are completely capable to protect their interest and position and reputation. They will not like that this thing should be brought forward before the Council by a person who does not belong to their class. But it is my business to find out the correctness or incorrectness of the insinuation that the increase of crime is owing to anything which may be regarded as a criminal silence on the part of the people, or whether it is owing to the lack of ability on the part of those people whose business it is to give them protection. I should have expected that on a solemn occasion like the Darbár when the Commissioner made such a grave pronouncement, he ought to have known that there were two sides of the shield, and that the view that he took was opposite to that which has been held by the Sirdárs. I submit the Commissioner should have put forward some ground for saying that the views to which he gave expression were right, and those of the Sirdárs were wrong. I looked through the whole of his

address and I find that what he says is upon his own authority and do not find the slightest indication or attempt to show that the Sardárs' views were wrong and the Commissioner's views were right and I shall, therefore, try to show that the fault is not on the part of the people but it lies somewhere else.

The Honourable the VICE-PRESIDENT:—May I remind the Honourable Member that he has already exceeded his half hour.

The Honourable Mr. PAREKH.—I will do my best to finish in ten minutes more. I will finish my speech as soon as possible, but it will take about ten minutes.

The Honourable the VICE-PRESIDENT.—But I understand the decision rests with the chair.

The Honourable Mr. PAREKH :—If you decide so I will sit down.

The Honourable the VICE-PRESIDENT:—The circumstances have already been explained. The hour is getting late, and members are anxious to finish the business as soon as possible.

The Honourable Mr. PAREKH :—I am quite in your hands, Sir, and if you think I should not proceed further in this important matter I am quite ready to sit down.

The Honourable the VICE-PRESIDENT:—I should be glad if you would finish in five minutes at the most.

The Honourable Mr. PAREKH :—I am afraid I cannot finish in five minutes; I will try and finish in ten.

The Honourable the VICE-PRESIDENT :—Then the question becomes whether it is of any use to fix a time limit at all.

The Honourable Mr. PAREKH :—Then I will not address the Council any longer.

The Honourable Sardár DAVAR K. E. MODI said :—Mr. PRESIDENT, I have only one word to say. I had the honour to be present at the Darbár to which the Honourable Mr. PAREKH referred. I did not quite fully hear the Commissioner's speech, but so far as I understood him I do believe he certainly did not charge the Sardárs with having entered into a conspiracy of silence. He said something about a conspiracy of silence on the part of the people and called upon the Sardárs to help the authorities with their influence and collect all the information they could possibly gather about the crimes and give it to the authorities. Besides this I do not think anything more happened. As to the views of the Sardárs, I do not think a single Sardár rose to address the Commissioner. The Commissioner simply delivered his address, and after the dresses of honour were given we dispersed. Not a single Sardár ever gave any expression of his views.

The Honourable the THAKOR of AMOD said :—Mr. PRESIDENT, I rise to support the resolution so ably moved by my honourable friend Mr. PAREKH. After the illuminating speech which he has made I do not think it right to take up the time of the Council by making any lengthy remarks, but I should like to emphasise the fact that it is the duty of every citizen to co-operate with Government in repressing crime and

securing peace and tranquility in the country. I would not go so far as to say that public spirit has been on the wane in the Kaira district, but the fact remains that those people, whom Government have honoured and decorated with titles, have not come forward to co-operate with Government in detecting and repressing crime. It is their duty to come forward and help the authorities, and while I do not charge these gentlemen with wilful neglect of public duty, I confess that some of them have failed to appreciate their responsibility as public citizens. The state of affairs prevailing in the district afford a singular commentary on the inefficiency of the police in the district. It is inefficient, for if it is not so, the only inference that can be drawn is that it may be in complicity with the criminals. If so, all the titled persons whom Government have rewarded for their loyalty and public spirit should come forward and help the authorities in tracing the crimes and finding out the culprits and their instigators and exposing them boldly however powerful they may be. As to what happened at the Darbár held by Mr. BARROW, I may say I was present there. It was not a Darbár merely of the Sardárs of Gujarát. A number of leading persons of the different districts were also invited there. None of the Sardárs was given a chance of expressing his views at the Darbár. The Commissioner's object was to admonish those present to co-operate with the authorities in suppressing crimes. It was an official Darbár and after the *sarpav* was given it was closed. On the whole I think the remarks made by Mr. BARROW, the able and popular Commissioner of the Northern Division, supply food for reflection, and I hope energetic action will be taken not only by the authorities, but also by the people to restore peace and order in the district of Kaira. If they fail to render assistance, Government should appoint an independent officer to hold an inquiry, so that the innocent may not suffer for the sins of the guilty.

The Honourable MOULVIE RAFIUDDIN AHMAD said :—Mr. President, the speech to which my honourable friend Mr. PAREKH referred was the speech of Mr. Barrow and I must confess that there was nothing in that speech to which exception could be taken. Similar speeches were delivered during the time of unrest by almost all responsible officers, not only in this Presidency but also in other parts of India. I think it is rather irritating that in this Council a man of the responsibility of the Honourable Mr. PAREKH should bring forward a charge like that, instead of minimising it and helping and co-operating with Government and with the Officers of Government in the good administration of the country. When an exception is taken in this way it gives encouragement to crime and to people who, however good intentioned they may be, are at times apt to be mischievous. What Mr. Barrow wanted to convey was that it was the duty of the Sardárs and those that held responsible position among the people—leaders of public opinion—to help him and Government officers in the detection of crime and not in any way to encourage it. Instead of taking this in bad light it should be taken in good light. I do not understand what the Honourable the THAKOR of AMOD meant when he said that nobody was allowed to say anything. It was left to the option of the Sardárs themselves and none of the Sardárs came forward to speak. As to the local conditions of the district my honourable friend Mr. PAREKH is more acquainted with them than I am; but as far as this particular charge is concerned it can never be substantiated, and I think he would have consulted his own dignity better if he had not referred to it at all.

The Honourable Mr. GOKULDAS K. PAREKH, in reply, said :—Sir, I much regret that so much is made of my remark regarding the taste of Mr. Barrow's speech. I may be wrong, or I may be right. The question before the Council does not depend upon the good or bad taste of the speech. The whole question is whether the fault lies with the people or with somebody else. What my resolution asks for is whether the present state of things has in any way arisen in consequence of the fault of the people or that of some other party. We have here in the report of 1910 the fact that gangs of thieves, robbers and dacoits were staying in the district and that they did attract the notice of the District Magistrate; but when we look into the reports of the police we find no mention made of the presence of these gangs in the district. Now the presence of these gangs of lawless people in the district means something, and I am sure much increase in crime should be attributed to these people. When the police do not at all mention these things in their report, the question then arises whether the increase in crime is due to the fault of the people or of the police. Again the police mention nothing in their reports about the cases of murders that have come under the notice of the Magistrate and other Courts. Then we have to remember that people actually send letters of intimidation to certain persons threatening to do them harm unless they comply with their demands. But after the receipt of these letters the police do nothing. I again ask if it is not reasonable and proper to draw the inference from the fact that the crimes go on increasing without detection and the criminals escape punishment, that such state of things is due not to the neglect of the people to do their duty, but to the negligence or corruption on the part of the police. Then you have to consider the character of the people. I may say that so far as the people of Gujarát are concerned, they are very soft, and the people of Kaira much softer than the people of Southern Gujarát. This fact, I say, is important when drawing an inference as to the conduct of the people. I submit there are fairly good grounds to attribute this rise in crime to negligence or corruption on the part of the police rather than to any serious fault on the part of the people. This is a matter on which there is unfortunately a divergence of opinion between the officials and non-officials, and I submit it is to the interest of both Government and the people that there should be an inquiry into the matter.

The Honourable Mr. C. H. A. HILL said :—Mr. PRESIDENT,—At the outset should like to say that the subject matter of this resolution is, generally speaking, just the sort of resolution that Government welcomes, inasmuch as it brings to notice matters of public importance which are always the better for being discussed. But, when I have said that, I should also like to qualify it by indicating that the resolution, had such a resolution been admissible then, would have been of greater value had it been moved two years ago. Government two years ago took the steps which the honourable member now proposes and directed an inquiry; but, so far as I can make out from the honourable member's speech, it is not so much the inquiry, which he urged upon us, that he wants as to press on us the desirability of going behind the results of the investigation already instituted. Government did not appoint a special officer such as is suggested by the wording of the resolution, but they appointed instead the Commissioner of the Northern Division, and directed him to make an inquiry in consultation with the officials who were most likely to be familiar with the circumstances of the Kaira district and the criminality then under notice. The inquiry was a very full one, and a very good report was submitted to Government dealing with

the matter most conscientiously, showing conclusively that it was compiled by people having a full knowledge of the circumstances and the specific nature of the inhabitants of the district. I may claim some little acquaintance with Gujarát, though it dates from some 20 years ago. Kaira 25 years ago was notoriously criminal though not quite so bad as it is to-day. It is quite true that some of the *kunbis* of Gujarát are, as described in the honourable member's speech, "soft" people, but they have an extraordinary aptitude for resorting to crime in connection with agrarian troubles; and if they are not criminals themselves they have a faculty of bringing about crime at the hands of their friends.

Perhaps I had better explain roughly what the results of the inquiry of 1910 were. The report was sub-divided naturally enough into the consideration of the case from the point of view firstly of the classes of the population concerned in the crimes and secondly of the remedial measures to be adopted. As regards the people it was ascertained beyond possibility of doubt that the Dharadis and Vágris of Kaira were communities which resorted habitually to crime, and in regard to which restrictive steps must be taken. The enquiry further established beyond the possibility of doubt the fact, objected to by the honourable mover of this resolution, that the detection of crime was rendered almost impossible by the connivance therein of a considerable body of *Pátidárs* and *Matádárs* who were officially connected with the village police. And I regret to have to say that there can be very little doubt that the conspiracy of silence which has been referred to has countenance from sources most respectable, to which Government might legitimately expect to be able to look for assistance in the detection and prevention of crime. In respect to the former communities it was recommended, and Government acceded to the recommendation, that the Criminal Tribes Act should be applied, and that has quite recently been done, though as a matter of fact the operation of applying the Act in 55 villages is not yet quite complete. It is, therefore, a little premature to expect definite results. The other measure recommended was a strengthening of the official organization of the district, and that also has been done, and Kaira at present, and for the last few months, has had a very strong staff of officers who, there is every reason to hope, are about to commence to make headway against what has been a conspiracy of silence on the part of a very large number of the inhabitants of the Kaira district and which is, of course, extraordinarily difficult to break down.

While, as I have said, this resolution, generically, is precisely of the kind Government welcome as bringing to notice matters of public importance, I regret to say I cannot compliment the honourable member on the method he has resorted to in dealing with the question. In the first place he has somewhat ignored the very clear explanation given by you, Sir, in dealing with the Budget in reference to the police and the strengthening of the police force in Gujarát generally and in the Kaira district in particular. Even the quotation from the report of the District Magistrate of June last, referring, as it must do, to the proceedings of last year, covers a period which precedes the introduction of the re-organization scheme for the police, and therefore had relation to a period in which the police force had *not* been strengthened. Of course the other day, in speaking on the Budget Resolution, the honourable mover of this resolution was perhaps justified, before he was made acquainted with the facts,

in quoting events of 1909 indicating the failure of the police, in spite of re-organisation, to tackle crime satisfactorily, but the suggestion which the honourable member has made to-day practically repeats what was said on Monday and implies, as I have said, that it is a fair thing to quote statistics of crime for a period preceding the expenditure on additional police, in criticism of the operations of those additional police. A large portion of the honourable member's speech was taken up with a violent attack upon the police. Well, that is perhaps intelligible enough, is frequently done, and is very popular, but I must say it is hardly a fair line to take, especially when coupled, as he coupled it, with a sort of white-washing of his friends and, incidentally, an attack upon Mr. BARROW. As the Honourable Sardár DAVAR MODI has explained Mr. BARROW held a Darbár. Now a Darbár is a complimentary function on which it is customary for the Commissioner to address the Sardárs present, and the Commissioner would pay a very poor compliment to the Sardárs of Gujarát if he did not, in concluding his speech, assume that they were at one with him in wishing to assist in the maintenance of the peace and good government of Gujarát. That, in effect, is what Mr. BARROW did. He called upon every gentleman to co-operate with Government in the suppression of crime in the Kaira district, and I confess to a sense of considerable disappointment in the attitude in respect to that appeal which has been taken up by the mover of this motion. It seems to me it is rather an ungraceful proceeding on the part of a member of this Council to assume that the Sardárs of Gujarát are not at one with Government and are not willing to co-operate with Government in the suppression of crime. I therefore regret I cannot compliment the honourable mover of this resolution on the manner in which he pressed the argument on his resolution, nor can I, consequently, regret the interruption of the honourable member's remarks, owing to the time limit, as I otherwise should have done.

I do not think it is necessary for me to proceed very much further in criticism of a proposal which, after all, has not been supported by any argument, namely, the appointment of a special officer. The sole object of the honourable member's speech seemed to be rather the condemnation of the remedial measures already taken. The time which has elapsed since the Criminal Tribes Act has been applied and since the police have been re-organised in Kaira is only a few short months, and it is quite absurd to expect that in six, nine, or even twelve months, we shall see results from their operations, when this criminality for which Kaira has become so notorious has been going on to my knowledge for 25 years though it has only reached gigantic dimensions in the last three or four years.

There is one remark which the Honourable the JÁGHIRDÁR of ICHALKARANJI made in speaking about the village police which has a certain relevance to the consideration of the question. I think, if I understood the honourable member rightly, he remarked that the village police were apt to be harbourers of offenders. Am I correct?

The Honourable the JÁGHIRDÁR of ICHALKARANJI :—Yes.

The Honourable Mr. C. H. A. HILL :—That, sir, is precisely what is happening in Kaira today. I regret to say the *patidárs* and *matádárs* in Kaira are, some of them, unquestionably—whether from compulsion or otherwise I cannot say—in league with the criminals who permeate the district, and it is extraordinarily difficult for the district police to grapple successfully with criminality unless the village police, who are largely members

of the patidár class, can be relied upon at all events to remain neutral. This is the problem in front of the Collector of Kaira at present, and we hope he will successfully deal with it. At all events, for the moment I submit that in the first place it is two years too late to ask for the appointment of a special officer, and, in the second place, that it is about two years too early to consider the suitability of the preventive measures adopted.

The Honourable Mr. PAREKH:—Mr. President,—Will you permit me to make a personal explanation? I never intended that the public should not co-operate with the authorities to bring about restoration of order. It has always been my view that Government have every right to expect co-operation from the people in maintaining order.

The Honourable the VICE-PRESIDENT:—Just a few words before I put the resolution to the meeting. I should have been glad if to the personal explanation which my honourable friend has just made regarding his views in respect to the co-operation of the people he had added some words of regret regarding what my honourable colleague Mr. HILL has described as an unjustifiable attack upon the Commissioner of the Northern Division. As regards the time limit I would like to say one word. My honourable friend, the mover of this resolution, must be aware that the rules provide that the mover of a resolution, when moving the same, may speak for 30 minutes. That is prescribed by the rules, and I suggest that every member who is moving a resolution in the Council is bound to prepare his speech in such a manner that it may be delivered in half an hour. The Honourable Member moved the first of the resolutions moved at this Council, and although warned by His Excellency the President that he was exceeding the time limit, nevertheless he continued to speak for something like 40 minutes to 45 minutes. In respect to that he exceeded the limit prescribed. When, therefore, he reached the limit of the half hour on his second resolution, and in view of the fact that everyone was anxious that this meeting should come to an end as soon as possible, I did not think it wrong for me to insist on the observance of the rule, and when I offered five minutes' extra time he was unable to accept it. I do not think he suffered very much, because when he exercised the privilege of replying and had the opportunity of speaking for 15 minutes he had so little to say that he only occupied between five or ten minutes.

The resolution was then put to the vote and lost.

The Honourable RAO BAHÁDUR SHRINIWAS K. RODDA said:—Mr. President,—The resolution which stands in my name and which I have the honour to move in this Council is one of great importance affecting as it does the interests of a deserving class of Government officers. The resolution runs as follows:—"That the Governor in Council may be pleased to include the appointments of Deputy Educational Inspectors in the Bombay Provincial Service." I may point out that the officers whose cause I am pleading in this Council occupy a prominent position among public servants in view of the nature of the duties they have to perform. No Government can efficiently carry on the administration of any department until their officers are kept contented and raised in the estimation of the public and their own subordinates. The Deputy Educational Inspectors are the backbone of the Educational Department. On them and on them alone rests the duty of laying a good foundation of mass primary education which is the basis of all future and general education. The various duties they have to perform can only be conceived from the

nature of their work. Among their duties the following may be enumerated :—They have to carry on the administration of more than 500 or 600 institutions in the smallest of districts. They have to be in touch with all classes of people. They have to steer their vessel through troublesome village parties and through stubborn prejudices of ignorant people and make education popular among backward and depressed classes and overcome all the difficulties in the way of female education which is hampered by the opposition of an orthodox section of the population. They have to tour through the whole district and, unlike other officers, they have to change their camps almost every day in the course of the touring season. They have to deal with influential local people in the villages including Local Board members, merchants and others.

I submit that their standing in the department should be equal to, if not above, their colleagues, who are in charge of District High Schools. The latter have not so heavy duties to perform. Though distinction is invidious, I make bold to assert that the duties of Deputy Educational Inspectors are heavier than those of the head masters who are concerned with a single institution.

The former have to do a lot of travelling and work day and night, while the latter can take life easy after a day's work. The educational qualifications of both are equal, but the Deputy Educational Inspector requires special tact in administration. That these men possess special aptitude and have distinguished themselves in other departments can be gathered from the example of KHAN BAHADUR KADEI, the late Mr. MAHADEO BARVE and RAO SAHEB BHASKAR DAMODAR PALANDE and RAO SAHEB MANDLIK, etc.

In years gone by Government recognised the necessity of appreciating their services and they were all made gazetted officers of Government. I do not understand why they are not so now. Experienced educationists like Mr. Chatfield and Mr. Giles were aware of their importance and they recommended the inclusion of these officers in the Provincial Service. They were backed up by the Government of Bombay, but the Government of India did not sanction the proposals. The Government of India seems to be under a misapprehension. But the Government of Bombay are fully aware of the officers' merits and they are quite competent to judge in the matter. This is not a question of finance and therefore the Government of India are not much concerned with it.

In times gone by the status of the Deputy Educational Inspector was compared with and pronounced to be equal to the status of Mámlatdárs. But the Mámlatdárs have to deal with a single táluká, while the educational officers are district officers. The Mámlatdárs are included in the Provincial Service and I submit that the claims of educational officers for inclusion in the Provincial Service should be favourably considered. The pay of the Deputy Inspector is not less than that of the Mámlatdár. A first grade Deputy Inspector receives as much pay as a sixth grade Deputy Collector and the lowest Deputy Inspector gets as much pay as a third grade Mámlatdár. It is fair and equitable to compare the Deputy Inspectors with Deputy Collectors. I can adduce a number of cogent reasons for the favourable consideration of my proposal, but I do not wish to take up the valuable time of this Council as the Honourable Members have already had more than half a week's hard work. I fully trust that Government will be pleased to favourably consider the cause of a deserving class of public servants

and raise their status as suggested by me. As I have already pointed out, Government on a former occasion supported such a proposal made by Mr. Chatfield and Mr. Giles. I hope the decision of the Council on the subject will be unanimous and that it will strengthen the hands of Government in the granting of my proposal which is as reasonable as it is fair and equitable.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said:—Mr. President,—I rise to support the resolution moved by my honourable friend Mr. RODDA. He has made out a strong case in favour of the inclusion of Deputy Educational Inspectors in the Provincial Educational Service. The work of these Deputy Educational Inspectors is in a way as shown by Mr. Rodda more responsible than that of the head masters of the High Schools who are included in the Provincial Educational Service, and as their salary is high enough there is no reason why the same privilege should not be given to these officers. In the mofussil official position counts for a great deal, and as most of the work of these Deputy Educational Inspectors is done in small towns and villages, an official recognition of their status will strengthen their hands in the work they have to do in the spread of education.

Primary education in Káthiáwár owes a great deal to the late Rao Badadur Gopalji Senbhai, but I do not think with all his enthusiasm even he would have been able to do the educational work that he did if he had not been given the status almost equal to that of the Deputy Assistant Political Agents and Dufferdárs. For the above reasons I ask the Honourable Members to pass this resolution.

The Honourable Mr. C. H. A. HILL said:—Mr. President,—Perhaps it may facilitate matters if I say that Government welcome this resolution. The Honourable Member has quite correctly described the status of Deputy Educational Inspectors, and if I briefly explain the views of Government in regard to this matter it will, I think, suffice to secure that the resolution be passed unanimously. Up to 1896 Deputy Educational Inspectors were gazetted officers, and when the Provincial Service was organised this Government desired that they, as well as certain head masters, should be included in the Provincial Education Service scheme, but the Government of India, not unnaturally perhaps, took exception to this, basing their objection on the analogy of other Provinces, and I think their objection on that ground more or less corroborates the claim put forward by the honourable mover of this resolution that on the whole our Educational system, including the status of our training colleges and Deputy Educational Inspectors, is somewhat better than in other parts of India. At all events, on the analogy of Bengal, their inclusion in the Educational Service was objected to, because, among other reasons, *Mámlatdárs* were not included in the Provincial Service. When, a little later, the *Mámlatdárs* were included in the Provincial Service this Government again made a representation to the Government of India, but again there was the same objection, based on the grounds of uniformity; and from an administrative point of view perhaps the objection was intelligible. But Government welcome the expression of opinion contained in this resolution, and hope it will be passed unanimously by the Council, as it will afford valuable testimony to the correctness of the views taken by the local Government in the past and will enable us to make representations again to the Government of India in the matter.

The resolution was then put and carried unanimously.

The Honourable the VICE-PRESIDENT:—That concludes the business of the meeting and the Council will now adjourn.

PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Secretary to the Government of India, Legislative Department, No. 1574, dated the 23rd May 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Societies Registration Act, 1860.
See Appendix F.
2. Letter from the Government of India, Legislative Department, No. 1643, dated the 7th June 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Bombay Race-courses Licensing Law, 1912.
See Appendix G.
3. Letter from the Secretary to the Government of India, Legislative Department, No. 1669, dated the 8th June 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay District Police Act, 1890.
See Appendix H.
4. Letter from the Government of India, Legislative Department, No. 1707, dated the 13th June 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay Civil Courts Act, 1869.
See Appendix I.
5. Letter from the Government of India, Legislative Department, No. 1756, dated the 18th June 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Bombay Smoke Nuisances Law, 1912.
See Appendix J.
6. Letter from the Government of India, Legislative Department, No. 1784, dated the 20th June 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Bombay Medical Law, 1912.
See Appendix K.
7. Letter from the Government of India, Legislative Department, No. 1802, dated the 24th June 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Khoti Settlement Amendment Law, 1912.
See Appendix L.
8. Letter from the President, Municipal Corporation, Bombay, No. 2151, dated the 4th July 1912, regarding the Bill further to amend the City of Bombay Improvement Act, 1898.
See Appendix M.

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

Poona, 11th July 1912.

APPENDICES

TO THE

PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF BOMBAY ASSEMBLED ON THE 8TH TO 11TH JULY 1912.

APPENDIX A.

*Educational Department,
25th June 1912.*

MEMORANDUM.

With reference to the suggestion contained in question No. 4* put by the Honourable Moulvie Rafiuddin Ahmad at the meeting of the Legislative Council held on the 13th March 1912 that an English class may be opened in connection with the Local Board Urdu School at Nasirabad in the East Khándesh district, it may be stated that special financial assistance has been given to the school in order that it may serve as a feeder to the Training School at Dhulia and so ultimately furnish candidates for employment in the Urdu schools of East and West Khándesh. This object would be defeated if the proposed English class were instituted, as the most promising boys would abandon their vernacular studies to enter this class. On this ground Government consider it would not be to the best interests of the school or of the community to act on the Honourable Member's suggestion.

J. L. RIEU,
Secretary to Government.

APPENDIX B.

A.

Statement showing open areas set apart for grazing in each block of Godhra Range.

Block No.		Open area.		Block No.		Open area.	
		A.	g.			A.	g.
1	...	3,276	29	10	...	2,955	20
2	...	3,864	0	11	...	3,703	0
3	...	4,606	20	12	...	4,023	10
4	...	3,317	30	13	...	2,361	20
5	...	3,454	30	14	..	2,824	20
6	...	2,907	30	15	...	4,470	11
7	...	3,644	10	16	...	3,084	30
8	...	2,666	20	17	...	3,393	20
9	...	2,668	0	18	...	2,535	0

B.

Statement showing the kuran areas near Godhra taluká.

No.	Village.	Area.	
		A.	g.
1	Samli	3,497	8
2	Motal	239	17
3	Bandeli	1,872	0
4	Betia	185	32
5	Padiar	608	15
6	Karsana	321	24
7	Kaliawav	942	3
8	Dayal	222	0
9	Pandwa	505	19

APPENDIX C.

Appeal Nos.	Suit Nos.	Plaintiffs' Costs.		Defendants' costs.		Third Party's costs.		Remarks.
		Party and Party.	Attorney and Client.	Party and Party.	Attorney and Client.	Party and Party.	Attorney and Client.	
<i>Disposed of in 1907.</i>								
1907.								
1	741 of 1906	Rs. 610-1-0	Bill of costs not lodged for taxation. Do.
2	75 of 1907	.....	.....	.....	.....	.....	.....
3	688 of 1906	.....	.....	.....	.....	.....	.....
4	24 of 1907	Rs. 3,134-13-0	Rs. 760-0-6	.....	.....	.....	.....
<i>Disposed of in 1908.</i>								
1908.								
1	988 of 1907	Bill of costs not lodged for taxation. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
2	939 of 1907	.....	.....	.....	.....	.....	.....
3	215 of 1907	Rs. 1,574-15-0	Rs. 422-7-0	.....	.....	.....	.....
4	604 of 1907	.....	.....	.....	.....	.....	.....
5	481 of 1907	.....	.....	Rs. 1,042-9-0	Rs. 82-4-0	.....	.....
6	940 of 1907	.....	.....	.....	.....	.....	.....
7	190 of 1907	.....	.....	.....	.....	.....	.....
8	208 of 1907	.....	.....	.....	.....	.....	.....
9	945 of 1907	Rs. 692-3-0	Rs. 180-0-0	.....	.....	.....	.....
10	441 of 1908	.....	Rs. 242-1-0	.....	.....	.....	.....
11	563 of 1908	.....	.....	.....	.....	.....	.....
12	580 of 1908	.....	.....	.....	.....	.....	.....
13	582 of 1908	.....	.....	.....	.....	.....	.....
14	28 of 1908	711 of 1907	Plaintiffs' and appellants' costs. Rs. 13,163-9-0 " 2,845-4-0	Plaintiffs' and appellants' costs. Rs. 1,650-7-6 " 264-9-0	2nd defendant's and 2nd respondent's costs. Rs. 1,661-9-0	2nd defendant's and 2nd respondent's costs. Rs. 139-12-0	.....
15	668 of 1907	.....	.....	.....	.....	.....	.....
16	65 of 1908	619 of 1908	Plaintiffs' and appellants' costs. Rs. 5,916-2-0	Plaintiffs' and appellants' costs. Rs. 2,001-6-0	.....	.....	.....
17	57 of 1905	.....	.....	.....	.....	.....	.....
<i>Disposed of in 1909.</i>								
1909.								
1	521 of 1908	Rs. 1,168-13-6	Rs. 124-11-6	Bill of costs not lodged for taxation. Do. Do. Do. Do. Do. Do. Do. Do. Do.
2	64 of 1909	.....	.....	.....	.....	.....	.....
3	438 of 1907	.....	.....	.....	.....	.....	.....
4	459 of 1905	Rs. 4,925-10-6	Rs. 721-6-0	.....	.....	.....	.....
5	21 of 1909..	115 of 1906	.....	Appellants' and plaintiffs' costs. Rs. 10,202-1-0	Defendants' and respondents' costs. Rs. 1,344-15-0	Defendants' and Respondents' costs. Rs. 189-11-0	.....
6	27 of 1909..	366 of 1908	3rd of the plaintiffs' and appellants' costs. Rs. 5,804-1-2	Plaintiffs' and appellants' costs. Rs. 5,043-9-7	.....	.....	.....
7	23 of 1909..	356 of 1909	Plaintiffs' and respondents' costs. Rs. 1,497-4-0	Plaintiffs' and respondents' costs. Rs. 421-15-0	.....	.....	.....
8	322 of 1909	.....	.....	.....	.....	.....	.....
9	399 of 1909	Rs. 740-4-0	Rs. 175-6-0	.....	.....	.....	.....
10	899 of 1908	Rs. 2,597-6-0	Rs. 821-2-0	.....	.....	Under taxation.	Rs. 803-5-0 Rs. 318-8-0
<i>Disposed of in 1910.</i>								
1910.								
1	1120 of 1909	Bill of costs not lodged for taxation. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
2	18 of 1910	.....	.....	.....	.....	.....	.....
3	1016 of 1909	.....	.....	Rs. 3053-4-6	Rs. 1,450-12-6	.....	.....
4	279 of 1910	.....	.....	.....	.....	.....	.....
5	661 of 1910	Rs. 1,134-9-0	Rs. 23-8-0	.....	.....	.....	.....
6	660 of 1910	Rs. 1,662-5-7 Under decree. Rs. 159-8-0 Under order.	Rs. 232-10-0	.....	.....	.....	.....
7	395 of 1910	.....	.....	.....	.....	.....	.....
8	996 of 1909	.....	.....	.....	.....	1st defendant's costs. Rs. 1,676-10-0 2nd to 5th defendants' costs. Rs. 1,501-9-0.	.....
9	718 of 1910	.....	.....	.....	.....	.....	.....
10	881 of 1910	.....	.....	.....	.....	.....	.....
11	783 of 1910	.....	.....	.....	.....	.....	.....

Appeal numbers.	Suit numbers.	Plaintiffs' costs.		Defendants' costs.		Third Party's costs.		Remarks.
		Party and Party.	Attorney and Client.	Party and Party.	Attorney and Client.	Party and Party.	Attorney and Client.	
<i>Disposed of in 1911.</i>								
1	1054 of 1910	.....	.....	.....	.....	.....	.....
2	1061 of 1910	.....	.....	.....	.....	.....	Bill of costs not lodged for taxation.
3	749 of 1910	.....	.....	.....	.....	.....	Do.
4	1034 of 1910	.....	.....	.....	.....	.....	Do.
5	1025 of 1910	Rs. 1,497-9-0.	Rs. 196-8-0.	.....	.....	.....	Do.
6	54 of 1911	.....	.....	.....	.....	.....	Do.
7	182 of 1911	.....	.....	.....	.....	.....	Do.
8	108 of 1911	.....	.....	.....	.....	.....	Do.
9	137 of 1911	.....	.....	.....	.....	.....	Do.
10	417 of 1909	.....	.....	.....	.....	.....	Do.
11	890 of 1910	Rs. 2,554-8-0.	Rs. 391-3-0.	6th and 7th defendants' bills of costs under taxation.	.....	.....	.....
12	1027 of 1910	Rs. 250-4-0 costs of an application. Rs. 1,925-7-0 costs of suit.	Rs. 162-10-0.	7th defendant's costs Rs. 518-7-0 8th defendant's costs Rs. 170-8-0	7th defendant's costs Rs. 25-4-0. 8th defendant's costs Rs. 6.	.....	.....
13	422 of 1910	.....	.....	.....	.....	.....	Do.
14	236 of 1911	Rs. 1,381-4-0.	Rs. 200-1-0.	.....	.....	.....	Do.
15	576 of 1911	.....	.....	.....	.....	.....	Do.
16	543 of 1911	.....	.....	.....	.....	.....	Do.
17	493 of 1911	.....	.....	.....	.....	.....	Do.
18	621 of 1911	.....	.....	.....	.....	.....	Do.
19	738 of 1911	.....	.....	.....	.....	.....	Do.
20	811 of 1911	.....	.....	.....	.....	.....	Do.
21	296 of 1911	.....	.....	.....	.....	.....	Do.
22	583 of 1911	.....	.....	.....	.....	.....	Do.
23	1018 of 1911	.....	.....	.....	.....	.....	Do.

Summary of Commercial Causes disposed of in—

1907	...	4
1908	...	17
1909	...	10
1910	...	11
1911	...	23

Total ... 65

A. M. KAJIJI,
Prothonotary and Registrar, Original Jurisdiction,
High Court, Bombay.

APPENDIX D.

No. 10285 of 1906-07.

*Office of the
Director of Public Instruction,
Poona, 1st February 1907.*

To

THE EDUCATIONAL INSPECTOR,
Central Division.

Sir,

With reference to your No. 10975, dated 24th January 1907, I have the honour to state that in view of the many urgent needs of our High Schools in other places I cannot advise Government to spend a large sum of money on a swimming bath. It appears to me that this is a luxury which the philanthropic may supply but which cannot be considered a necessary adjunct of a High School on which Government should spend money.

I have honour to be,

Sir,

Your most obedient servant,
(Signed) E. GILES,
Director of Public Instruction.

APPENDIX E.
BUDGET OF THE GOVERNMENT OF
BOMBAY FOR THE YEAR 1912-13.

[Figures in thousands of rupees.]

The current year's budget estimates of Provincial revenue and expenditure embodied in the Revised Financial Statement for 1912-13, as modified by the memorandum issued from the Financial Department on 12th March 1912, have been finally accepted by the Government of India without any modification. The figures stand as shown in the following table:—

	1911-12.		1912-13.
	Budget.	Revised.	Budget.
Opening balance ...	1,52,47	1,63,06	89,76
Revenue ...	6,78,62	6,98,23	6,99,66
Expenditure ...	7,52,82	7,71,53	7,27,76
Closing balance ...	78,27	89,76	61,66

Details by major heads are given in the appended statement A. The detailed distribution of the major head figures will be found in the civil estimates for 1912-13, a copy of which is furnished to the Honourable Members. The figures given in Appendices C and D of the Revised Financial Statement for the year 1912-13 have been brought up to date and statements (marked B and C) containing the revised figures are appended to this memorandum.

2. The details of the land revenue demand, collections, remissions, suspensions and arrears for the years 1911-12 and 1912-13 given in paragraph 10 of the Revised Financial Statement for 1912-13 have undergone some changes in view of later information supplied by district officers. The revised figures are given below:—

	1911-12, Revised.	1912-13, Budget.
Outstanding balance ...	63,46	98,54
Demand ...	4,30,36	4,10,94
Total ...	4,93,82	5,09,48
Collections ...	3,77,10	4,25,12
Remissions ...	18,18	14,63
Total ...	3,95,28	4,39,75
Balance { Suspensions ...	71,61	22,18
Arrears ...	26,93	47,55
Total ...	98,54	69,73

3. The lump provision of 75 made under the head 26, Scientific and other minor Departments for non-recurring expenditure on agriculture and allied objects has been distributed as shown below:—

Agricultural and Civil Veterinary Departments

- | | |
|---|----|
| (1) Construction of a bungalow for the Principal, Bombay Veterinary College ... | 22 |
| (2) Grants-in-aid to Local Boards for constructing veterinary dispensaries ... | 11 |
| (3) Purchase of byres and refrigerating plant for the dairy at Poona ... | 7 |

Forest Department.

- | | |
|---|----|
| (4) Construction of roads and buildings in the Central Circle ... | 25 |
| (5) Sawing apparatus and mechanical traction in the Southern Circle ... | 10 |
| Total ... | 75 |

4. The expenditure budget in the *Public Works Department* is now distributed as follows:—

Original Works.

Civil Buildings ...	21,28
Communications ...	5,19
Miscellaneous public improvements ...	2,73
Discretionary grants to certain Heads of Departments ...	3,09
Reserve ...	1,70
Total ...	33,99

Repairs.

Civil Buildings ...	7,07
Communications ...	11,76
Miscellaneous public improvements ...	47
Establishments ...	19,30
Tools and plant ...	12,80
Total ...	1,30
Total ...	67,39

The provision of 33,99 for "Original works" is made up of 21,08 for works in progress, 8,12 for new major works, 3,09 for minor works, and 1,70 for reserve. The provision for the construction and maintenance of Government educational buildings now amounts to 3,99 in lieu of 3,17 mentioned in paragraph 42 of the Revised Financial Statement, and, with the addition of 22 referred to in item (1) in paragraph 3 above, the total Provincial expenditure on educational objects in 1912-13 is estimated at 75,39 in lieu of 74,35 mentioned in paragraph 42 of the Revised Financial Statement.

5. The following alterations have been made in the allotments for major works in progress and new major works mentioned in paragraphs 54 and 55 of the Revised Financial Statement:—

Name of work.	Allotment altered	
	From	To
<i>Major Works in progress.</i>		
New kacheři at Mehar in the Western Nára District.	38	35
Mámlatdár's kacheři at Mángaon ...	<i>Nil</i>	20
Remodelling the Huzur Account Office and Treasury at Belgaum.	11	10
Laboratory at the College of Engineering, Poona.	<i>Nil</i>	13
New Small Causes Court, Bombay ...	1,00	<i>Nil</i>
Police buildings at Kurla ..	<i>Nil</i>	20
Survey and investigation of the site for the reclamation of Back Bay and Colába.	<i>Nil</i>	1,43
<i>New Major Works.</i>		
<i>Northern Division.</i>		
Police buildings at Kurla ...	20	<i>Nil</i>
Constructing storage reservoir and a cooling plant for the distillery at Godhra.	<i>Nil</i>	16
<i>Central Division.</i>		
Causeway over the river Krishna at Karád in the Sátára District.	<i>Nil</i>	16
<i>Southern Division.</i>		
Mámlatdár's kacheři at Mángaon ...	20	<i>Nil</i>
<i>Bombay.</i>		
New Small Causes Court, Bombay ...	<i>Nil</i>	1,00
Compensation for the resumption of a certain property at Colába.	<i>Nil</i>	35

6. Since the budget for 1912-13 was passed by the Government of India, the following grants have been sanctioned by that Government for educational purposes from Imperial revenues :—

- (i) A recurring grant of 45 per annum and a non-recurring grant of 3,00 to the Bombay University for the development of University work. The object of the grants is to enable the University to make a definite step forward towards the realization of the idea of a teaching University for higher work and to improve the inspection of colleges,
- (ii) A non-recurring grant of 3,00 for the improvement or erection of hostels ;
- (iii) A non-recurring grant of 2,00 for the Victoria Jubilee Technical Institute, Bombay ,
- (iv) A recurring grant of 60 for expenditure on the improvement but not on the multiplication of privately managed secondary High and other Anglo-Vernacular Schools for Indians, and largely on the raising of salaries of teachers in those institutions.

Detailed schemes for the expenditure of these grants have yet to be sanctioned and no provision has been made in the Provincial budget for the year 1912-13. The Government of India will make the necessary assignments from Imperial to Provincial revenues through the Land Revenue head and will sanction the necessary additions to the budget grants during the course of the year.

R. A. LAMB.

STATEMENT A.
Statement showing Provincial Revenue and Expenditure by Major Heads for the years 1910-11, 1911-12 and 1912-13.
 [In thousands of rupees]

Number of Account ad.	Major Heads of Revenue.	Accounts, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.	Number of Account Head.	Major Heads of Expenditure.	Accounts, 1910-11.	Budget, 1911-12.	Revised, 1911-12.	Budget, 1912-13.
I	Land Revenue	2,10,48	2,08,03	1,76,45	2,00,37	1	Refunds and Drawbacks	3,76	4,04	5,40	4,40
	{ Provincial share ..	95,94	95,33	96,01	95,48	2	Assignments and	9,41	12,72	12,89	13,64
	{ Alienated ..	1,54,76	6,85	40,19	13,23	3	Compensations { Cash ..	83,03	82,71	83,14	82,69
	{ Fixed allotment and adjustments, ..	40,98	40,00	38,00	39,50	3	Land Revenue { Alienations ..	70,75	74,12	75,11	78,20
IV	Stamps	94,86	1,92,00	2,03,50	2,06,50	6	Stamps	7,92	7,69	7,89	7,84
V	Excise	25,50	24,47	27,00	27,00	7	Excise	1,16	1,18	1,17	1,19
VIII	Assessed Taxes	18,59	37,70	43,00	44,60	10	Assessed Taxes	4,73	9,99	10,65	10,44
IX	Forest	7,55	7,45	7,00	7,35	11	Forest	55	57	57	60
X	Registration	13,69	12,05	12,11	10,98	12	Registration	10,35	23,20	29,25	29,56
XII	Interest	6,08	6,10	6,30	6,55	13	Interest on Ordinary Debt	3,78	3,88	3,83	3,75
/I-A	Law and Justice—Courts of Law	2,30	2,40	2,40	2,49	18	General Administration	5,97	5,77	6,49	7,87
/I-B	Do. —Jails	3,88	4,53	4,00	2,31	19-A	Law and Justice—Courts of Law...	17,20	19,27	28,25	18,31
VII	Police	90	92	95	95	19-B	Do. —Jails	54,54	54,59	55,63	56,60
VIII	Ports and Pilotage	4,22	4,40	4,57	5,00	20	Police { Cash ..	10,99	10,77	11,40	11,54
XIX	Education	2,36	2,40	2,40	2,40	21	Ports and Pilotage { Alienations ..	89,81	95,80	96,00	97,31
XX	Medical	1,21	1,20	1,11	1,06	22	Education	4,99	4,93	4,98	4,95
XXI	Scientific and other Minor Departments	3,24	3,35	3,45	3,65	23	Medical	78	78	78	68
XXII	Receipts in aid of superannuation	1,06	1,09	1,21	1,15	24	Scientific and other Minor Departments	47,54	56,78	50,70	66,85
XIII	Stationery and Printing	84	93	71	1,20	25	Medical	22,73	31,87	25,03	41,75
XV	Miscellaneous	12,63	13,47	13,05	13,13	26	Political	4,73	4,79	5,03	4,74
XIX	Irrigation—Portion of Land Revenue due to Irrigation.	6,24	6,34	6,08	6,71	29	Scientific and other Minor Departments	8,58	10,46	10,80	10,93
XIX	Irrigation—Major Works—Direct Receipts	1,79	1,64	1,75	1,87	30	Superannuation Allowances and Pensions	29,95	31,80	31,60	32,40
XX	Irrigation—Minor Works and Navigation	9	7	9	8	31	Stationery and Printing	13,35	13,73	12,74	13,25
XXI	Civil Works	7,14	5,90	6,90	6,10	32	Miscellaneous	3,94	6,21	17,96	4,81
	{ Civil Department ..					36	Reduction or Avoidance of Debt...	13,70	13,70	13,70	13,70
	{ Public Works Department...					40	Subsidized Companies—Land	24	5	9	1
						41	Miscellaneous Railway Expenditure	2	...	...	...
						42	Irrigation Major Works { Working Expenses	6,77	6,56	6,47	6,94
						43	Irrigation—Minor Works { Interest ..	9,12	9,56	9,58	10,04
						44	Irrigation—Minor Works { Civil Department	3	6	6	6
						45	Irrigation—Minor Works { Public Works Department	16,75	16,42	15,51	15,87
							Civil Works { Civil Department	8,30	58,37	59,89	9,45
							Civil Works { Public Works Department	75,01	80,45	78,94	67,39
	Total	7,16,33	6,78,62	6,98,23	6,99,66		Total	6,40,48	7,52,82	7,71,53	7,27,76
	Opening Balance	87,21	1,52,47	1,63,06	89,76		Closing Balance	1,63,06	78,27	89,76	61,66
	Grand total	8,03,54	8,31,09	8,61,29	7,89,42		Grand total	8,03,54	8,31,09	8,61,29	7,89,42

STATEMENT B.

Statement showing by major heads the ordinary and special or non-recurring Provincial revenue and the opening balance as estimated in the budget for 1912-13.

[In thousands of rupees]

No. of Account Head.	Receipts.	Budget, 1912-13.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
	Provincial share ...	2,00,37	1,93,28	(a) 7,09	(a) Collection of outstandings of previous years.
I	Land Revenue {				
	Alienations ...	95,48	95,48	...	
	Fixed allotment and adjustments.	13,23	-1,12	(b) 14,35	(b) Assignments from Imperial revenues.
IV	Stamps ...	39,50	39,50	...	
V	Excise ...	2,06,50	2,06,50	...	
VIII	Assessed Taxes ...	27,00	27,00	...	
IX	Forest ...	44,60	38,10	(c) 6,50	(c) Receipts on account of famine fodder operations.
X	Registration ...	7,35	7,35	...	
XII	Interest ...	10,98	10,98	...	
XVI-A	Law and Justice—Courts of Law ...	6,55	6,55	...	
XVI-B	Do. —Jails... ..	2,49	2,49	...	
XVII	Police ...	2,31	2,31	...	
XVIII	Ports and Pilotage ...	95	95	...	
XIX	Education ...	5,00	5,00	...	
XX	Medical ...	2,40	2,40	...	
XXI	Scientific and other Minor Departments.	1,06	1,06	...	
XXII	Receipts in aid of Superannuation, etc.	3,65	3,65	...	
XXIII	Stationery and Printing ...	1,15	1,15	...	
XXV	Miscellaneous ...	1,20	60	(d) 60	(d) Refund by the Ahmedabad Local Board of the over-drawal of its balances.
XXIX	Irrigation—Portion of land revenue due to irrigation.	13,13	13,13	...	
XXIX	Irrigation—Major Works—Direct Receipts.	6,71	6,71	...	
XXX	Irrigation—Minor Works ...	1,87	1,87	...	
	Civil Works—Civil Department ...	8	8	...	
XXXI	Do. —Public Works Department.	6,10	6,10	...	
	Total ...	6,99,66	6,71,12	28,54	(e) Earmarked for non-recurring expenditure on (i) education, sanitation and the Bombay Bacteriological Laboratory (18,52), (ii) Royal Visit Commemoration Building (2,00), (iii) agriculture and allied objects (1,00), and (iv) lines for the police guard at the Bhuj Treasury (18). These charges will be met from special Imperial assignments made in 1910-11 and 1911-12.
	Opening balance ...	89,76	68,06	(e) 21,70	
	Grand total ...	7,89,42	7,39,18	50,24	

STATEMENT 'C.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1912-13.

[In thousands of rupees.]

No. of Account Head.	Expenditure.	Budget, 1912-13.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ...	4,40	...	4,00	4,00	40
2	Assignments and Compensations ...	96,33	96,13	13	96,26	7
3	Land Revenue ...	86,04	69,26	10,05	79,31	6,73
6	Stamps ...	1,19	32	79	1,11	8
7	Excise ...	10,44	9,18	80	9,98	46
10	Assessed Taxes ...	60	45	11	56	4
11	Forest ...	29,56	12,46	9,94	22,40	7,16
12	Registration ...	3,75	3,19	41	3,60	15
13	Interest on Ordinary Debt ...	7,87	6,00	1,87	7,87	...
18	General Administration ...	18,31	14,70	2,75	17,45	86
19-A	Law and Justice—Courts of Law ...	56,60	47,73	6,90	54,63	1,97
19-B	Do. —Jails ...	11,54	3,59	6,85	10,44	1,10
20	Police ...	1,02,26	85,54	11,43	96,97	5,29
21	Ports and Pilotage ...	68	38	28	66	2
22	Education ...	66,85	41,27	12,93	54,20	12,65
24	Medical ...	41,75	17,38	7,43	24,81	16,94
25	Political ...	4,74	3,79	56	4,35	39
26	Scientific and other Minor Departments.	10,93	5,21	3,23	8,44	2,49
29	Superannuation Allowances and Pensions.	32,40	32,25	15	32,40	...
30	Stationery and Printing ...	13,25	2,09	10,54	12,63	62
32	Miscellaneous ...	4,81	52	3,37	3,89	92
36	Reduction or Avoidance of Debt ...	13,70	...	...	...	13,70
40	Subsidized Companies—Land ...	1	...	...	...	1
42	Irrigation— Major Works. { Working Expenses.	6,94	6,46	32	6,78	16
	{ Interest ...	10,04	10,04	...	10,04	...
43	Irrigation— Minor Works. { Civil Department...	6	...	3	3	3
	{ Public Works Department.	15,87	11,35	4,42	15,77	10
45	Civil Works ... { Civil Department...	9,45	7,41	80	8,21	1,24
	{ Public Works Department.	67,39	33,50	17,00	50,50	16,89
	Total ...	7,27,76	5,20,20	1,17,09	6,37,29	90,47

Note 1.—The non-recurring expenditure shown in column 7 is inflated by the following items, which are covered by special receipts :—

18,52	for increased expenditure on Education, Sanitation and the Bombay Bacteriological Laboratory.	} met from the grants made for the purpose from Imperial revenue.
13,70	for reduction or avoidance of debt	
75	for expenditure on agriculture and allied objects .	
55	for grants to the Bombay University and Colleges.	
10	for temporary establishments in connection with monthly payments to Indian Military pensioners.	
5,50	for famine fodder operations which will be almost wholly covered by receipts in connection with those operations.	
<u>39,12</u>		

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 51,35 (including 10,81 on account of indirect famine expenditure) as shown below :—

Total non-recurring expenditure	90,47
Deduct non-recurring expenditure met from special receipts.	<u>39,12</u>
Balance	<u>51,35</u>

Note 2.—Column 5 represents the minimum expenditure on account of items (like temporary establishments, plague allowance, contingencies and supplies and services) for which provision has to be made every year, but of which the amount varies from year to year. The lowest figure in the "Budget Estimates, 1912-13," "Revised Estimates, 1911-12," "Budget Estimates, 1911-12" and "Accounts, 1910-11," has been generally taken as the minimum recurring charge for each item, and the total of all such items is entered under column 5 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 5 is taken as non-recurring, and this, together with the provision for purely temporary objects, has been classed as non-recurring and entered in column 7. This method is adopted in the case of all major heads, except 29, Superannuation Allowances and Pensions, 36, Reduction or Avoidance of Debt, 42, Irrigation—Major Works, 43, Irrigation—Minor Works (Public Works Department) and 45, Civil Works (Public Works Department). In the case of 29, Superannuation Allowances and Pensions the provision for Gratuities and Refunds is classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under 36, Reduction or Avoidance of Debt is treated as non-recurring, while that under 42, Irrigation—Major Works—Interest on Debt is classed as permanent recurring. Under the heads 42, Irrigation—Major Works—Working Expenses, 43, Irrigation—Minor Works (Public Works Department) and 45, Civil Works (Public Works Department), the provision on account of ordinary repairs, establishments, and tools and plant is classed as permanent recurring, the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring and the balance is classed as non-recurring.

APPENDIX F.

No. 1574.

GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

From THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 23rd May 1912.

Sir,

I am directed to return, herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 436, dated the 5th May 1912.

The Law to amend the
Societies Registration Act,
1860.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX G.

No. 1648.

From THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 7th June 1912.

Sir,

In continuation of this Department's telegram of the 5th instant, I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 472, dated the 21st May 1912.

The Bombay Race-courses
Licensing Law, 1912.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX H.

No. 1669.

From

The HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 8th June 1912.

Sir,

I am directed to return, herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 457, dated the 23rd May 1912.

Law further to amend the
Bombay District Police Act,
1890.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX I.

No. 1707.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 13th June 1912.

Sir,

I am directed to return, herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the law noted on the margin, which was received with your letter No. 484, dated the 23rd May 1912.

Law further to amend the
Bombay Civil Courts Act,
1869.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX J.

No. 1756.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department ;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 18th June 1912.

Sir,

I am directed to return herewith, with the assent of His Excellency the
Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin,
which was received with your letter No. 490, dated
the 25th May 1912.

The Bombay Smoke
Nuisances Law, 1912.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX K.

No. 1784.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department ;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 20th June 1912.

Sir,

I am directed to return herewith, with the assent of His Excellency the
Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin,
which was received with your letter No. 486, dated
the 23rd May 1912.

The Bombay Medical Law,
1912.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX I.

No. 1802.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE MR. W. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 24th June 1912.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 485, dated the 23rd May 1912.

The Khoti Settlement
Amendment Law, 1912.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX M.

No. 2151.

Urgent.

MUNICIPAL CORPORATION OFFICE,
Bombay, 4th July 1912.

From

THE HONOURABLE MR. MANMOHANDAS RAMJI,
President, Municipal Corporation, Bombay;

To

THE SECRETARY TO GOVERNMENT,
Legal Department, Bombay.

Sir,

With reference to your letter No. 11—M, dated the 21st April 1912, forwarding, for remarks, a copy of the Bill further to amend the City of Bombay Improvement Act, 1898, I have the honour by desire of the Corporation, to state that the provisions of the Bill are now engaging the attention of a Committee of the Corporation and that on receipt of the Committee's report the Corporation hope to submit to Government their views concerning the provisions of the Bill within a very short time. In the meanwhile, however,

they consider it desirable to submit this representation with regard to one of the most important questions affecting the interest of the City and the Corporation in connection with the proposed amendments of the Trust Act, *viz.*, the constitution of the Board of Trustees.

2. The Corporation are strongly of opinion that the time has now arrived when they should press upon Government the justice as well as the expediency of so modifying the constitution of the Improvement Trust Board as to give to the Corporation that adequate share in its composition to which they are entitled in consequence of the funds for the working of the Trust being mainly provided by the Corporation. The Trust Act as it now stands provides for an annual payment from the Municipal fund to the Trust of "a lump sum not exceeding two per centum on the total rateable value of all buildings and lands in the City exclusive of buildings referred to in section 143 (1) (a) of the Municipal Act." Clause 28 of the Amending Bill renders the payment of the maximum amount obligatory instead of optional. According to this provision the amount of payment to be made to the Board annually shall be "a lump sum equal to double the amount of the actual net realizations of the Corporation in the preceding financial year under the head of General Tax or payments made in lieu of General Tax (including arrears and payments in advance), divided by the rate fixed for the General Tax for the financial year beginning on the 1st April in question." It may be noted that when the Trust Act was passed it was expected that the full two per centum on the rateable value would not exceed Rs. five lakhs, whereas that percentage now realises more than Rupees nine lakhs. Irrespective of this enormous burden thrown on the Municipal funds, the Corporation have always urged that they should have a larger representation on the Board commensurate with the financial liability thrown on them and they beg respectfully to submit that with the increased liabilities contemplated by the Bill the need for a more direct and adequate representation is greatly emphasized.

3. Under section 4 of the existing Act the Board consists of 14 members as follows :—

- 3 Ex-officio Trustees, *viz.*, the general or other Military Officer Commanding Bombay District, the Collector of Bombay and the Municipal Commissioner.
- 4 Elected by the Corporation.
- 1 Elected by the Chamber of Commerce.
- 1 Elected by the Port Trustees.
- 1 Elected by the Mill-Owners' Association.
- 4 Nominated by Government (including the Chairman).

The Corporation are of opinion that the ex-officio Trustees should be done away with and that the fourteen seats should be redistributed as follows :—

- 1 Chairman nominated by Government.
- 3 Nominated by Government.
- 6 Elected by the Corporation.
- 1 The Municipal Commissioner.
- 1 Elected by the Bombay Chamber of Commerce.
- 1 Elected by the Indian Merchants' Chamber and Bureau.
- 1 Elected by the Bombay Mill-Owners' Association.

4. The Corporation trust this proposal will receive favourable consideration at the hands of Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) MANMOHANDAS RAMJI,

President.

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

The Council met at Poona on Thursday, the 26th September 1912, at 12 o'clock noon.

P R E S E N T :

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G., G.C.I.E., Governor of Bombay, *presiding*, and 45 Members, of whom 42 were Additional Members.

N E W M E M B E R S .

The Honourable Mr. REGINALD POCOCK BARROW and the Honourable Mr. ROBERT JACKSON KENT made the prescribed oath of allegiance to His Majesty the King-Emperor and took their seats in the Council.

LIST OF QUESTIONS AND ANSWERS.

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

Questions.

Answers.

THE HONOURABLE SARDAR SYED ALI EL EDROOS.

1. Will Government be pleased to consider the advisability of constructing roads from Hānsot to Sahol and from Jambusar to Kareli?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

1. There is already a metalled road from Hānsot Sahol. Since April 1911, the District Local Board has repaired the road. The road is in a fair condition and it is understood that the District Local Board proposes to reconstruct, during the year 1912-13, a culvert that has given way. There is a cart-track but no made road between Jambusar and Kareli. The Commissioner, Northern Division, has been requested, when the financial situation improves, to renew his proposals for provincializing certain roads in the Broach District including these two roads. When these proposals are received, the question of constructing the road from Jambusar to Kareli will be considered.

Questions.

2. Are Government aware that the pond at Kalouna in A'mod taluka in Broach district which was the chief feeder to the Kiari land round it has been transferred to the Irrigation Department and neglecting the pond by the Irrigation Department has dried the pond with the consequence that the paddy fields have failed to produce the important rice crop, notwithstanding the settlement of the Kiari land is fully imposed. Will Government be pleased to inquire into the matter and do them due justice by remittance?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

3. Is it true that an order has been passed by the Educational Department to the effect that no Hindu boy should be admitted into the Urdu School in the village of Kavi in Jambusar taluka, but that Mahomedan boys wishing to join the Gujarati School may be allowed to do so? If so, will Government be pleased to state whether they propose to set aside or modify the order?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

4. Do Government intend to convert the school at Kalouna in the A'mod taluka of the Broach district into an Urdu School?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

5. Do Government propose to open Urdu Girls' Schools in the villages of the districts of Broach, Kaira, Ahmedabad and Panch Mahals, where there are superior Urdu Boys' Schools?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

6. Will Government be pleased to state what action is being taken to settle the revised course for Urdu Schools?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

Answers.

2. The tank has been inspected and found full with sufficient water to irrigate the land under it. Last year owing to scanty rainfall the tank did not fill.

The Local officers are investigating whether improvements to the supply in bad years is practicable.

3. No such order as that described by the Honourable Member has been issued. There is no restriction on the admission of Hindu boys to the Urdu School named.

4. A considerable number of Gujarati Schools have been converted into Urdu Schools within the last year and a half. It is desirable to await the result of this experiment before converting any more schools. Moreover, no munshi is at present available who could be appointed to the school in the event of its conversion. For these reasons it is not at present proposed to convert the school in question into an Urdu School.

5. The information required is contained in the Educational Department Memorandum, dated the 6th September 1912.

6. A course of pure Urdu Standards is being formulated for the Northern Division.

Questions.

Answers.

7. (a) Will Government be pleased to state whether they propose to open Urdu Schools in the following villages of the Surat district :—

Malekpur, taluka Bārdoli.
 Karanj, taluka Māndvi.
 Harangam, taluka Chikhali.
 Barbodhan, taluka Chorāsi.
 Abrama, taluka Jalālpore.

* * * *

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

8. (a) Are Government aware that in a large number of Urdu Schools in the Northern Division except the Head Munshi the rest of the teachers are non-Mahomedans unacquainted with the Urdu language?

- (b) If so, do Government intend to take steps to increase the supply of Urdu-knowing Mahomedan teachers, so that no inconvenience may be felt in the absence of the Head Munshi?

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

9. (a) Are Government aware of the order of the Educational Inspector, Northern Division, No. 10172, dated 25th November 1910, printed in the Gujarāt Shala Patra?

- (b) Will Government be pleased to say if it is meant to disregard the intervening service of 15 years, when the question of promotion arises, in the case, say, of a man who obtained the second year's certificate in 1891 and the third year's certificate in 1906, so as to allow preference to a man who obtained the third year's certificate in 1905?

7. (a) Applications for the establishment of Urdu schools have been received from the people of Harangam and Abrama and these villages will be provided with Urdu schools in the course of the current year. The Mahomedans of the villages of Malekpur, Karanj and Barbodhan (Olpād taluka) have made no application for the introduction of Urdu standards and it is not proposed to introduce these standards in their case.

8. (a) Out of a total number of 226 assistant masters in the Urdu Schools of the Northern Division, 87 are non-Mahomedans and unacquainted with, or imperfectly acquainted with, the Urdu language. This defect, however, is shared by a considerable number of Mahomedan teachers.

- (b) For several years past a central class has been maintained in the Broach district, which is the principal centre of Urdu teaching, at which Mahomedan pupils are trained with a view to passing the Vernacular Final Examination and employment as teachers in Urdu schools. As announced in the Press Note, No. 2313, dated the 10th September 1912, Government have now decided to open a special Urdu class at the Ahmedabad Training College in order to increase the number of Urdu speaking trained teachers.

*Questions.**Answers.*

(c) Will Government be pleased to say whether they consider it desirable to order that those old servants who might have had to suffer in virtue of the above order of the Educational Inspector, Northern Division, should not suffer when promotions are given under the new grant?

(d) Will Government be pleased to say whether they will consider the question of regulating promotions by ascertaining the periods of service after the first, second and third year's certificate, totalling all such periods and then dividing the figure by 3 in the case of the third year's certificate, and by 2 in the case of the second year's certificate, to arrive at the figure of period of service to be taken account of for promotion or by adopting any other method so as to give the teacher the benefit of his past service?

10. (a) Will Government be pleased to say when the orders to teach subjects in Urdu in the Training College at Ahmedabad are to be put into force?

(b) Do Government propose to teach subjects through the Urdu language in Primary Urdu Schools as is proposed for the Training College. If so, will Government be pleased to state whether there is any scheme under consideration?

11. With reference to the reply given to my question asked in the Council meeting held on the 13th March 1912, with regard to giving something for the improvement of Urdu schools, out of the special grant of Rs. 50 lakhs, will Government be pleased to say what step has been taken by them?

12. Will Government be pleased to say what step has been taken in the matter of the reply given to my question No. 8 asked at the Council meeting held on the 8th July 1912?

13. Are Government aware that Mahomedan Assistant Deputies are not allowed to visit the Urdu Schools though their appointments are made with the view expressed in the press note on the reply to my question concerning the appointment of additional inspectors for the Urdu schools? If so, will Gov-

Inquiries are being made.

10. (a) Inquiries are being made,

(b) Yes. A scheme is under consideration.

11. Inquiries are being made.

12. The Honourable member is referred to the memorandum, dated the 6th September 1912, placed on the Table at today's Council meeting—Appendix A.

13. Inquiries are being made.

Questions.

ernment be pleased to say whether there are any reasons for not allowing them to visit and supervise the schools? Will Government be pleased to state how many times the Urdu schools in the Surat District were visited by the Mahomedan Assistant Deputies during the past year?

14. Are Government aware that there is no metalled road from Kadod to Madhi station in the Bádoli Táluka and that the considerable traffic from Kadod is obstructed thereby and that passengers from Kadod to Bádoli on foot and by carts, cannot pass the two Nalás in monsoon and suffer a grave inconvenience from which the postal carrier is not free at times? If so, will Government be pleased to get the inconvenience removed by the construction of a pacca road from Kadod to Madhi?
15. Will Government be pleased to state whether any assignment of scholarships will be reserved for the Mahomedans of Gujarát out of four lákhs and fifty thousand of rupees contributed by Sir Currimbhoy Ebrahim to the Institute of Science in Bombay, and of which sum one lákhs of rupees was ear-marked for scholarships for Mahomedans.

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

1. Are Government aware that the Deputy Superintendents of Police in Sind are taking very small share in the performance of real Police duties and that they are practically working as Accountants to the District Superintendent's Office?
2. Will Government be pleased to lay on Table the figures for the last three years showing what amount of inspection the Deputies have done?
3. Will Government be pleased to state what are the Orders of the Government of India regarding the duties and functions of the Deputy Superintendents?

Answers.

14. The Honourable Sardár Syed Ali El Edroos is referred to the answer given to Question No. 5 put by the Honourable Mr. Gokuldas K. Parekh.

15. It is not intended to reserve any of the scholarships in question exclusively for the Mahomedans of Gujarát.

1. The reply is in the negative. The Deputy Superintendents in Sind are not mere accountants, but perform a large share of the real police duties in the district.
2. The figures showing the investigations made by Deputy Superintendents of Police are laid on the Table. Appendix B. The figures showing the inspection of police stations and outposts will be supplied later.
3. The orders of the Government of India regarding the duties and functions of Deputy Superintendents lay down that these shall be similar to the functions of Assistant Superintendents; that they should relieve the Superintendent of office routine so that he may be more free to move about his charge, and that they should assist him in his duties of control and supervision.

*Questions.**Answers.*

THE HONOURABLE RA'O BAHADUR
SHRINIWAS KONHER RODDA.

1. (a) Is it a fact that the L.C.E.'s and B.Ag.'s are debarred from admission in the Educational Department by an order of the Director of Public Instruction?

(b) If the above be a fact, will Government be pleased to state the reasons that led the Director of Public Instruction to issue the orders?

2. Will Government be pleased to state what city municipalities have not appointed Chief Officers?

3. Will Government be pleased to say whether they propose to make some special concession in the case of graduates who entered service before the rules of 1910 by treating them on a footing of equality with those now selected?

} 1. Inquiries are being made.

2. Of the twenty-three city municipalities seventeen have appointed Chief Officers. As regards the remaining six municipalities, a Chief Officer is being appointed for the Gadag-Bettigeri municipality, the municipalities of Bijapur and Bagalkot have resolved to appoint Chief Officers, in the case of the Nadiad and Shikarpur municipalities Government have decided not to require the appointment of Chief Officers at present, and in respect of Hubli the general orders recommending such appointments will apply.

3. Government do not consider it necessary to grant any special concession in the case specified. All graduates whether appointed before the introduction of the rules of 1910 or by direct recruitment under these rules have, while serving in the Upper Branch of the Subordinate Revenue Service, the same chances of promotion within that branch and, also under rule VII of the Provincial Service Rules, of promotion to Mamlats.

The employees whose position would have been adversely affected if the rules of 1910 had been brought into full operation at once are those who have passed or will have passed the Higher Standard examination by December 1912 but who are still in the Lower Branch of the Subordinate Revenue Service. Government have given the fullest consideration to their case and direct recruitment under the rules of 1910 to the Upper Branch is being restricted in such a manner that their claims are not likely to suffer. They number 252 altogether, graduates and

*Questions.**Answers.*

non-graduates, in the three Divisions. The number of vacancies occurring in the Upper Branch per annum is calculated at forty so that in six or seven years the last man on the list will have passed into the Upper Branch. Direct recruitment to the Upper Branch is being made at the rate of only one or two per Division annually. The rate will not be accelerated without due consideration of the reasonable claims of the qualified men still in the Lower Branch. The new conditions are much more attractive than the old and it is expected that the men selected will be of a higher calibre than the average graduate who has hitherto thought it worth his while to enter the Department. The quality of the men selected will, it is hoped, approximate to that of men selected for direct appointment to the Provincial Service. It has, therefore, been deemed expedient to make some progress in the endeavour to obtain the best material available for the most important Department under Government. The men so recruited will not be ready for promotion to mámlats for at least six or seven years, and not till then will competition for Mámlatdárs' appointments between them and graduates enlisted under the old rules begin to operate.

4. Will Government be pleased to say whether it is proposed to relieve district local boards of the charges recovered from them on account of the establishments entertained in the offices of the Commissioners, Collectors, Educational Inspectors and Deputy Educational Inspectors for the transaction of the business of the Boards?

4. The question is under the consideration of Government.

THE HONOURABLE SARDAR NARAYAN-
RAO GOVIND *alias* BABA SAHEB
GHORPADE, JAGHIRDAR OF ICHAL-
KARANJI.

1. (a) Will Government be pleased to state whether it is a fact that large sums of Devasthan allowances in alienated villages which were sent to the Válva Táluka in accordance with Government Resolution No. 4168, dated 3rd June 1897, have remained unpaid?

1. (a) Yes.

Questions.

- b) If so, will Government be pleased to state the amount remaining unpaid in the táluka and the reasons for non-payment ?
- c) Taking into consideration the fact that the sums are due to Devasthan, will Government be pleased to order that they be paid soon ?

This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

- (1) Will Government be pleased to state—
- (a) * * * *
- (b) * * * *
- (c) Whether a survey has been introduced into his village ?

- 2) If the reply to (c) is in the negative, will Government be pleased to state the reasons of delay ?

This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

Supplementary question.—I understand that though the inámdárs are willing that a survey should be introduced into their villages, it takes some years before it is actually introduced.

The Honourable the Jágírdár of Ichalkaranji:—Is it true that it takes nearly twenty years to introduce a survey in some of the inám villages ?

3. (a) Will Government be pleased to state whether it is a fact that in the Tásgaon Táluka in the Central Division orders have been issued that the practice of making adjustment in accounts in alienated villages be discontinued and that in future all sums due from and to sub-sharers be recovered and paid in cash ?

Answers.

- (b) The amount to be paid on account of the allowances in the Válva Táluka is about Rs. 13,700. The delay in payment has been due to settlement enquiries.
- (c) Arrangements have been made for early payment.

2. (1)

- (a) * * * *
- (b) * * * *
- (c) No.

- (2) When orders were issued for the introduction of a survey settlement, there were over forty other inám villages awaiting survey under earlier orders, and these are, in the ordinary course, being surveyed first.

The Honourable Sir Richard Lamb:—I have not caught whether there was any further supplementary question asked. I have not caught anything except a comment.

His Excellency the President:—Have you any further question to ask ?

The Honourable Sir Richard Lamb:—I do not understand what the question is. I have not caught the question; I merely heard a comment.

The Honourable Sir Richard Lamb:—It is certainly not ordinarily the case. Whether it is the case in any particular given instance I am unable to say without notice.

3. (a) Yes.

Questions.

(b) Will Government be pleased to state the reasons which led to these orders being passed?

(c) * * * * *

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

4. (a) Will Government be pleased to state the total number of the holders of alienated villages in each of the three divisions, viz., Northern, Central and Southern, on whom powers under section 88 of the Land Revenue Code are conferred?

(b) Will Government be pleased to state whether these powers are conferred as a mark of special merit or they are conferred unless there are special reasons for not conferring them?

Supplementary question.—Is it not a fact that Sir James Monteath, the late Revenue Member, declared it to be the policy of Government to grant this concession very liberally? And is it not a fact that out of about 1,500 surveyed villages in the Presidency, in only 260 villages the inámdárs have been granted this concession?

5. (a) Will Government be pleased to state in how many cases in the three Divisions the Collector's consent was granted under sub-section (2) of section 85 of the Land Revenue Code to the direct recovery of his dues by the superior holder since the passing of the Land Revenue Code or during the last five years?

(b) Will Government be pleased to say whether they propose to issue instructions to the Collectors to exercise this power in the case of deserving Inámdárs when there is a habitual neglect on the part of the village officers to make the recoveries of the Inámdárs' dues?

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Answers.

(b) Because the practice causes delay in the recoupment of the sums paid by Government in liquidation of the claims of kadim hakkárs.

(c) * * * * *

4. (a) The number of commissions under section 88, Land Revenue Code, held at present by Inámdárs are—

Northern Division	... 64
Central Division	... 167
Southern Division	... 28

(b) The powers are granted on application in all cases where adequate safeguards exist for the protection of the interests of the ryots.

The Honourable Sir Richard Lamb:—I submit, Sir, that the question whether Sir James Monteath made any declaration of policy is not a supplementary question and requires previous notice.

His Excellency the President:—The Honourable Member will put that question as a separate question at the next meeting.

5. (a) The information is not on the records of Government and it does not appear that the trouble required to collect it would be justified by any object likely to be gained. If the Honourable Member will quote any instances in which Inámdárs have applied on ostensibly sufficient grounds for permission to collect their dues direct and have been refused such permission, inquiry will be made.

(b) Government have no reason to suppose that Collectors refuse the consent provided for in sub-section (2) of section 85 in any case in which such permission is applied for and can properly be granted, and do not propose to issue any instructions in the matter.

Questions.

6. (a) Is Government aware that dissatisfaction prevails among the Sardárs on account of the difference of ink in which their names are printed?
- (b) Will Government be pleased to state the difference in the privileges of the Sardárs whose names are printed in black ink and those whose names are printed in red ink?

7. Will Government be pleased to place on the Council Table copy of Government Resolution No. 2686, dated 21th May 1880?

8. Will Government be pleased to state whether they have come to any conclusion on the question of survey rates for Dumála villages, which has been under the consideration of Government?

THE HONOURABLE SARDAR PURSHOTTAMDAS VIHARIDAS DESAI.

1. Will Government be pleased to give information on the following schemes of minor irrigation works in Gujarát?—

(a) Whether Pariej Tank project is to be completed on the lines of Savali and Wangroli system in Kaira District.

(b) Whether steps are taken to make Tranza tank scheme successful.

(c) Whether Meshva cut project and Khari reservoir scheme are to be taken on hand in view of the success of Khari Cut Canal.

2. Will Government be pleased to state—

(a) Whether they are aware of any dissatisfaction prevailing in the Subordinate Revenue Service on account of the preferential treatment regarding promotions.

Answers.

6. (a) Government are not aware that any dissatisfaction exists on account of the colour of the ink used for printing the Sardárs' names.

(b) The names of the Sardárs were originally all printed in black ink and they enjoyed the privilege of being sued in the Court of the Agent instead of in the ordinary Civil Courts. With increasing education and knowledge the need of this special jurisdiction disappeared and for many years the practice has been to create Sardárs for rank and precedence only. When it was initiated, red ink was used to distinguish the latter Sardárs from the former ones. Thus the difference between the two kinds of Sardárs is merely the privilege of exemption from the ordinary jurisdiction of the Civil Courts.

7. The Honourable Member presumably refers to Government Resolution No. 2689, dated 24th May 1880. A copy is placed on the table.

Appendix C.

8. The question is still under consideration.

1. (a) No. The water supply is inadequate.

(b) This has not been found practicable.

(c) No practicable project has been proposed that would be remunerative.

2 (a) No.

*Questions.**Answers.*

- (b) How many Government servants of the Revenue Department from various ranks have been either dismissed, degraded, forced to retire or resign during the past three years in each of the Districts of Northern Division.
- (c) Whether proper opportunities were given them to defend themselves.
- (d) Whether Government are aware that some subordinates in the Revenue Department in Kaira District have resigned their services to join other professions.
3. Will Government be pleased to place on the Table a detailed statement for each of the past ten years up to date of :—
- (a) Police cases tried by 2nd and 3rd class Magistrates in the Kaira District.
- (b) Those cases tried by the above Magistrates ending in convictions.
- (c) Those appealed against from the above with the final result.
- (d) Police cases tried in Kaira District by First Class Magistrates.
- (e) Those from (d) ending in convictions.
- (f) Those from (e) appealed against with the final result.
- (g) Cases committed by First Class Magistrates of the Kaira District to the Sessions Court with the names of offences in each.
- (h) Decisions in each case by the Sessions Court.
4. Will Government be pleased to state whether their attention is drawn to the paragraph 4th of the petition of November 1911 from the inhabitants of Kaira Zilla (a copy of which is attached herewith) regarding the proposed creation of separate judicial district at Kaira Town?
5. If so, whether the Government will be pleased to order an enquiry into the state of things regarding causes of crimes, Criminal Courts and the creation of Honorary and Travelling Magistrates as demanded in the said paragraph 4th of the above petition?
- (b) and (c) Information will be called for.
- (d) Government have no information on the subject.
3. The information is being obtained.
4. Yes.
5. The matter is under the consideration of Government.

Questions.

6. Will Government be pleased to state whether any steps are taken to educate and ameliorate the moral condition of the criminal tribes side by side with the strict measures adopted against them to prevent crimes in Kaira District?

(a) If not, do they intend to do so?

7. Will Government be pleased to state the reasons that led the District Magistrate, Kaira, to entrust the roll call work of criminal tribes to the Revenue Patels instead of the Police Patels or Police officers—

(a) and whether they are given extra remuneration for this duty?

THE HONOURABLE MR. MANMOHANDAS
RAMJI.

1. Will the Government be pleased to state the amount of claim in each of the Commercial Cases referred to in Appendix C of the Legislative Council Proceedings of the 8th July 1912?

THE HONOURABLE MR. CHIMANLAL
HARILAL SETALVAD.

1. Whether Government will be pleased to state the exact nature of the proposals that have been made for the creation of Universities at Poona and Ahmedabad and the progress the said proposals have made?

2. Whether Government propose to invite the opinion of the Bombay University and of the public on the said proposals and for that purpose to publish them with all details at an early date?

3. Whether Government will be pleased to state what progress has been made regarding the proposal to establish an Arts College for the Karnatik?

Answers.

6. Enquiries will be made as to whether any special steps, beyond the provision of the usual educational facilities, are called for.

7. Government are not aware that the facts are as alleged by the Honourable Member. But enquiry will be made.

1. Information will be called for.

1. No definite proposals have as yet been formulated.

2. In view of the reply to the preceding question the answer is in the negative.

3. Government were informed in February last by one of the promoters of the movement that rules and regulations for the proposed college association had been framed and circulated; that the association would be registered under the Societies Act and that subscriptions amounting to Rs. 15,000 had been promised up to date. Since then Government have received no further information on the subject.

Questions.

THE HONOURABLE MR. GOKULDAS
KAHANDAS PAREKH.

1. Will Government be pleased to say :—
 - (a) What was the number of cases of steam boiler explosions in Gujarát between the 1st of August 1909 and the 31st of December 1910 ?
 - (b) What was the number of such explosions between the time that the inspections of steam boilers commenced in Gujarát and the end of July 1909 ?
 - (c) Whether the steam boiler at Ránder had been certified as fit only to work at a pressure lower than the original ?
 - (d) Whether a subsequent certificate of higher pressure was given to that boiler ?
 - (e) Whether complaints were made against that certificate by the proprietors of other boilers ?
 - (f) Whether after these complaints the certificate for higher pressure was confirmed ? and what officer confirmed it ?
 - (g) Will Government be pleased to give the names of the Inspectors within the currency of whose certificates the different boiler explosions took place ?

[*This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.*]

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Answers.

1. (a) No cases of explosions of steam boilers in Gujarát were reported between the 1st August 1909 and 31st December 1910.
- (b) No cases of explosions of steam boilers have been reported prior to the 1st August 1909.
- (c) There are two factories at Ránder and four boilers. It is understood that the Honourable Mr. Parekh refers to one of the boilers belonging to the Pranjiwandas Gulabdas Ginning Factory. In February 1909 the pressure for boiler registry No. 1304 at this factory was reduced on inspection by one of the Boiler Inspectors from 90 lbs. to 70 lbs.
- (d) In February 1910 the boiler was inspected by another Inspector. Owing to the fact that the reduction of pressure had through mistake not been entered in the Boiler Dimension Book he granted a certificate for pressure of 90 lbs., believing the figure in the 1909 certificate to have been entered through some mistake.
- (e) A complaint regarding this certificate was addressed to the Chief Secretary to Government on 7th November 1910. The persons whose names appeared at the foot of the petition containing the complaint could not be identified at Ránder and the names were apparently assumed.
- (f) In consequence of this complaint and as it appeared doubtful from the records of the Boiler Inspection Department whether the later certificate was correct, the Chief Inspector of Boilers and another Inspector jointly inspected the boiler in December 1910 and certified it for a pressure of 50 lbs. only.
- (g) As stated in answers to questions (a) and (b) no explosions of boilers have occurred.

Much trouble would be saved if the Honourable Member would kindly endeavour to verify information supplied to him.

Questions.

Answers.

2. Will Government be pleased to say:—

(a) Whether the circumstances that the prosecution against Maneklal *alias* Jadilal Mathurbhai and four others for the murder of Harilal Vaijnath failed was the ground for posting additional police at Mehemedabad in the district of Kaira at the cost of the Vadadra Bráhmíns of that town?

(b) Whether the injuries of which Harilal died had been inflicted on him during the dark hours of early morning in an open space in the neighbourhood of his house?

(c) Did Government consider that a large number of Vadadra Bráhmíns were concerned in the murder or in withholding from the authorities information about the murder?

(d) What are the grounds on which such inference was based?

3. If the circumstances connected with the death of Harilal Vaijnath were not the grounds or the only ground for the action taken by Government, will Government be pleased to say what were the reasons for (1) stationing additional police at Mehemadabad and (2) for directing the Vadadra Bráhmíns to pay the costs thereof?

4. Will Government be pleased to say:—

(a) Whether there is a liquor shop at Kharach within $3\frac{1}{2}$ miles from Sisodra, a village of the Ankleshvar taluká of the Broach district?

(b) Whether in consequence of the existence of the shop people of neighbouring villages assemble at Sisodra with the object of obtaining drink?

(c) Whether brawls have arisen among people collected for drink and these brawls have resulted in the loss of human life?

2. (a) The reply is in the negative.

(b) The reply is in the affirmative.

(c) Government consider that a large number of Vadadra Bráhmíns withheld from the authorities information about the murder.

(d) The inference is based on the proceedings in the trial and the reports of the local officers of Government.

4. Inquiry will be made.

Questions.

Answers.

- (d) Whether in consequence of these occurrences the liquor shop at Sisodra had been closed for some years?
- (e) Whether the inhabitants of Sisodra have been petitioning to the authorities for the closing of the liquor shop in their village?
5. Will Government be pleased to say :—
- (a) What is the extent of traffic that passes annually between the town of Kadod in the Bádoli táluká of the district of Surat and Madi the nearest railway station from that town?
- (b) Whether the cart traffic between these places is rendered difficult and inconvenient by the existence of two *nállás* on the way?
- (c) Whether the inhabitants of Kadod have applied to the Local Board of Surat for constructing a metalled road between Kadod and Madi?
- (d) Do Government propose to apply a portion of the discretionary grant towards the construction of the road?
6. With reference to the answer of Government to my question No. 1 asked at the meeting of this Council held on the 25th of June 1910, will Government be pleased to say :—
- (a) Whether the authorities directed the villagers to collect and bring metal for being used for the road, and that they brought 124 measures of metal and delivered the same to the village officials, and were then told by these officials that there were orders from the Táluka officials not to bring any more metal and the further work in connection with the road is stopped?
- (b) Whether the sum of Rs. 100-7-9 has been utilised on the road as directed by Government in answer to that question?
5. (a) The traffic is no doubt considerable but exact figures are not available.
- (b) Yes. There is no suitable road at present.
- (c) They have applied and the District Local Board has sanctioned the survey of the road. The provision of funds for its construction will be considered in conjunction with the claims of other roads in the same district which are equally, or more urgently, required. There is a made road from Kadod to Bádoli station.
- (d) No application for assistance has been made to Government in respect of this road and the question has not been considered.
6. Government will consider the matter.

Questions.

Answers.

(c) The villagers having been induced to make their contribution of Rs. 400 upon the understanding that the Local Fund was to make a good pakka road and to pay the rest of the cost for making it, will Government be pleased to say when no road is made or improved whether the villagers should not get back the whole of the contribution and the price of labour bestowed by them on it?

7. (a) Are Government aware that there are two high schools, namely, the Bhandári and the Anant Shivaji Desai Topiwala High School at Málvan in the Ratnáguri district?

(b) To prevent any unhealthy competition do Government propose that their administrative and educational officers should make efforts to bring on an amalgamation of these institutions on reasonable terms?

8. (a) Are Government aware that the agriculturists of the villages of Dived, Atar, Bhagod, Haria, Párdi Haria, May, Dungari, Magod, Surváda, Párdi Parnera, Khokhra, Chanwai, Binváda, Vádifalia, Parnera, Chachváda and Dungarvára of Párdi and Bulsár talukás of the Surat district suffer much loss and are put to much inconvenience by reason of the absence of any made-road connecting these villages with the towns of Bulsár or Párdi, or of a railway station between Bulsár and Párdi for the outlet of their green agricultural produce, and particularly during the rainy season?

(b) Will Government be pleased to remedy this evil by getting a flag-staff railway station opened at Dived or by the construction of a *pakka* road between these villages on one side and the towns of Bulsár or Párdi on the other?

9. Will Government be pleased to say:—

(a) If their attention has been drawn to the fact that on the night of the 21st of August last a gang of from 20 to 25 dacoits attacked three carts

7. (a) Yes.

(b) The attention of the Honourable Member is invited to Press Note No. 2284, dated the 7th September 1912, which affords full information on the subject and indicates all that has been, or is proposed to be, done.

8. (a) Some of the villages are sufficiently served by a good road. Others are in need of communications during the monsoon and the Taluka Local Board is engaged upon the construction of a road to join the main Bulsár-Párdi Road a little south of Parnera. Direct connection between these villages and Bulsár, which would be of use during the monsoon, is impracticable on account of the cost.

(b) The question will be considered.

9. (a) A family from Kathlal consisting of 15 persons was waylaid on the night of the 21st August 1912 and robbed by 20 to 25 Dharalas and

Questions.

which were carrying men, women and children and robbed them near the 8th milestone from Mahudha on the Nadiad-Mahudha Road ?

(b) Have the offenders been traced and has any portion of the stolen property been recovered ?

(c) Do Government propose to take any special measures to prevent the repetition of like occurrences ?

10. Will Government be pleased to say :—

(a) What was the quantity of *dungrī* metal required for the Broach-Jambusar road during the year 1911-1912 for the supply of which a contract had been given ?

(b) Whether the quantity of metal delivered was measured and certified by any officer of Government ?

(c) Who was the officer that made the measurement and gave the usual certificate ?

(d) Whether payments of the contractor's bills were made in accordance with this measurement ?

(e) Whether the Executive Engineer remeasured the metal ?

(f) What was the difference, if any, between the quantities according to the first measurement and the remeasurement ?

(g) What amount, if any, was recovered from the contractor in consequence of the remeasurement ?

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Answers.

Waghri. The ornaments stolen are valued at Rs. 380-5-0. Four persons were slightly injured with sticks.

(b) The robbers were traced to Kathlal and Bhaner, and the stolen property was traced to a Bohri of Kathlal. The search made there proved fruitless, but property worth Rs. 115 was found close to the scene of the offence. More property was found at Khadgodhra and Thasra and was identified by the complainant as his. Further inquiries are being made in the matter.

(c) Occurrences of the kind referred to have recently been rare. If special measures are found, on inquiry, to be needed they will in due course be taken.

10. (a) 8,000 cubic feet.

(b) Yes.

(c) The Assistant Engineer.

(d) Yes.

(e) No.

(f) There was no remeasurement in the sense meant by the Honourable Member and there was no difference.

(g) No recovery was made.

Questions.

Answers

11. Will Government be pleased to say :—

(a) How many of the 35 primary schools in the Broach District that were closed in 1910-1911 for want of funds have been re-opened ?

(b) What steps Government have taken to enable the Broach Local Board to reopen the schools which they were forced to close for want of funds in 1910-1911 ?

11. Inquiries are being made.

12. Will Government be pleased to say :—

(a) What was the average attendance of pupils at the primary school at Bhadod in the Olpad Taluka of the Surat District in the month immediately before it was closed ?

(b) For how many of the twelve months before it was closed the average attendance of students in the school was under 20 ?

(c) Have the inhabitants of Bhadod offered to guarantee a daily attendance of 20 or more students if the school is reopened ?

(d) Is it proposed by the Local Board that the school be reopened ?

12. Inquiries are being made.

13. Will Government be pleased to say :—

(a) In how many cases in the district of Surat were petitions for revision of the Income Tax assessment made ?

(b) In how many cases these petitions ended in the enhancements of the assessments of the petitioners ?

(c) Under which provisions of the Income Tax Act were the assessments enhanced ?

13. (a) The number of appeals in 1911-12 was 622.

(b) Five.

(c) Sections 17 and 50.

THE HONOURABLE SARDAR SHAM-BHUSING AMARSING JADHAVRAO, RAJE OF MALEGAON.

1. Will Government be pleased to state how far the question of the construction of a bridge over Kara river at Barámati on the Indápur-Nira Road has progressed ?

1. The provision of a causeway or a bridge has been under the consideration of the Municipality, but delay has been caused by difficulties with regard to the provision of funds. The question will now be considered by Government.

Questions.

2. Are Government aware that the G. I. P. Railway Company have since 1st March 1911 stopped the concession wagon rate on Jagree exported from Diksal station and that this has caused great hardship to the sugarcane cultivators in the Nira Valley? Will Government be pleased to make inquiries and recommend to the G. I. P. Railway Company to continue the concession as before?
3. Will Government be pleased to lay before the Council the progress made by the Baramati-Dhond Railway Scheme?

THE HONOURABLE MR. DATTATRAYA
VENKATESH BELVI.

1. (a) Is it a fact that the contractor to whom the Government depôt of firewood at Kumtha has been farmed for the current year is allowed to charge much more for firewood than is warranted by the terms of his contract?
- (b) Will Government be graciously pleased to inquire whether this causes inconvenience to the people and to state the result of such inquiry?
- (c) Will Government be pleased to consider the advisability of abolishing the Government depôt in future and of issuing permits for bringing firewood into Kumtha for sale to all applicants for the same?

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

2. (a) Will Government be pleased to state the amount of money spent on education by the Town Municipality of

Answers.

2. In reply to an enquiry, the Agent, G. I. P. Railway Company, has explained the position in his letter No. 87-R-2, dated the 20th September 1912, a copy of which (Appendix D) is placed on the Table. In the light of that explanation Government do not consider that the Jagree merchants of Baramati have a legitimate grievance and are therefore not disposed to take action in the matter.
3. The Railway Board have on the 7th September 1912 granted a concession to Mr. K. R. Godbole, Civil Engineer, Poona, for the construction and working through the Agency of the Great Indian Peninsula Railway Administration of a line of Railway on the 2' 6" gauge from Dhond to Baramati. Mr. Godbole expects to be able to float the Dhond-Baramati Railway Company immediately.

1. (a) and (b) The contractor is not allowed to charge more for firewood than is warranted by the terms of his contract.

- (c) The depôt system was introduced in the chief towns of the Kánara District in order to regulate the supply of fuel under working plans and to stop at the same time the looting which occurred under the permit system. Government do not consider it advisable to abolish the depôt system.

2. (a) The subjoined statement gives the information required by the Honourable Member:—

Questions.

Belgaum and the amount of the educational grant made by Government to the said Municipality during each of the ten years ending with the 31st March 1912?

Answers.

Year.	Amount spent on education by the Municipality.	Amount of educational grant made by Government.
	Rs.	Rs.
1902-03 ...	8,684	2,400
1903-04 ...	9,760	3,904
1904-05 ...	11,484	4,800
1905-06 ...	12,586	4,800
1906-07 ...	13,677	4,800
1907-08 ...	14,629	4,800
1908-09 ...	14,868	4,962
1909-10 ...	15,683	5,445
1910-11 ...	15,147	5,778
1911-12 ...	17,144	6,057

- (b) Will Government be pleased to state whether they consider it desirable to pay to the said Municipality the balance, if any, that may be found due to it on this head for the erection of suitable school houses of which it stands in great need?

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

3. Will Government be pleased to state if they are aware of the new rules promulgated by the Collector of Kárwár on the 31st July 1912 in the matter of assignment of plots to cultivators for the supply of *Soppu*?
4. Were the aforesaid rules submitted by the Collector of Kárwár to Government for approval and sanction before their promulgation and have they been sanctioned by Government?
5. Are the rules consistent with the principles enunciated in Government Resolution No. 1550, dated 19th February 1910, Revenue Department?
6. Will Government be pleased to place on the table of the Council a copy of the rules under consideration and also a copy of the Government Resolution quoted above?
7. What was the area of land assigned for the supply of *Soppu* per acre of cultivated land in the Kárwár District before the year 1909 in the several Tálukas of that District?
8. Is it a fact that the Collector of Kárwár has ordered a memorial submitted to him on the 4th July 1912 for being forwarded to Government on behalf of numerous cultivators in the Ankola Táluka in the matter of *soppu* to be only "filed" in his office?

- (b) The grants to Municipalities for their primary schools are fixed but can be revised at the discretion of Government when funds permit. No balance is therefore payable to the Belgaum Municipality. The question of revising the grants is under consideration.

3 to 8. The Honourable Member's questions will be answered on receipt of information on the subject which has been called for from the Collector of Kánara.

Questions.

9. (a) Has the attention of Government been drawn to a letter in Maráthi published in the issue of the 30th July 1912 of the daily edition of the "Indu Prakash" newspaper over the signature of "Mahadkar"?
- (b) Will Government be pleased to state what precautionary measures they intend to adopt to prevent the recurrence in future of the hardships set out in the aforesaid letter?
10. Has the attention of Government been called to an article in Marathi published in issues Nos. I and II of
- (a) Volume V of the monthly magazine "Rangbhumi" on the subject of the hardships and the inconvenience to which dramatic companies in the Bombay Presidency are put at present owing to the absence of definite rules regulating the speedy issue of licenses by public servants to them.
- (b) If so, will Government be graciously pleased to inquire into the alleged grievances and take steps to remedy them?

Answers.

9. (a) Government are aware of the publication of the letter.
- (b) Government have no information on the subject. Enquiries are being made.
10. Government have not as yet seen the article to which allusion is made. It is not a fact that there are no definite rules for the speedy disposal of applications for licenses. For the convenience of the public the District Magistrates and City Magistrates or Huzúr Deputy Collectors have been appointed by Government licensing authorities for the head-quarters towns of districts, and Mámlatdárs for the táluka towns. These officers have been instructed to dispose of applications for licenses without delay with a view to making the restriction as little irksome as possible. Some delay however is unavoidable in cases in which the dramatic productions are lengthy or happen to be in manuscript.

THE HONOURABLE MR. RAGHUNATH PANDURANG KARANDIKAR.

1. What was the realization of judicial fines under the A'bkári Act during the last 3 years?
- [This question was asked at the meeting held on the 9th May 1912, when an ad interim reply was given.]
2. (a) Have any special orders been passed in 1910 or 1911 by the Director of Public Instruction affecting the status, promotion or maximum salaries of special Sanskrit teachers or Shastris employed in the Educational Department?

1. A statement giving the required information is laid on the Table.

2. (a) Yes. The following scale of pay has been laid down since 1910-11 for regulating the promotion of Shastris :—

	Rs.
Start	30
After 5 years' approved service and provided there is a vacancy ...	35
After 10 years' approved service and provided there is a vacancy...	40
After 15 years' approved service and provided there is a vacancy...	45
After 20 years' approved service and provided there is a vacancy...	50
After 25 years' approved service and provided there is a vacancy ...	60

Questions.

(b) How do the Shastris fare as compared with the Persian teachers in the matter of promotion and highest pay?

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

Village Police—Rewards and Remuneration.

3. (a) What is the total money value of the rewards awarded to members of the village police in the years 1909, 1910, 1911 and 1912 respectively in the Northern, the Central and the Southern Divisions?

(b) * * *

[This question was asked at the meeting held on the 8th July 1912, when an ad interim reply was given.]

Government Selections, No. DXII, New Series—page 1, para. 2.

(a) Will Government be pleased to lay on the Table papers showing how and why the alienated village of Maldeo in the Jávli taluká of the Sátára Collee-torate came to be entered, about 1906, as khálsa?

Answers.

(b) The promotion of Persian teachers is also regulated by the above scale. But as these men usually know English and are able to do the work of inspecting officers satisfactorily, they have the further chance of being appointed Assistant Deputy Educational Inspectors on Rs. 75, if they are well acquainted with one of the vernaculars of the Presidency. The case of Shastris is different. They are, as a rule, not acquainted with English and are not in touch with the system of primary education, having studied *only* Sanskrit in some pathshala in the old way. They are not therefore considered suitable for appointment as Assistant Deputy Educational Inspectors.

3. (a) The subjoined statement gives the information required by the Honourable Member:—

Division.	1909.	1910.	1911.	1912.
	Rs.	Rs.	Rs.	Rs.
Northern	349	543	979	1,238
Central	1,067	1,578	1,824	1,746
Southern	1,479	1,012	1,168	865
Total for each year ...	2,895	3,133	3,971	3,849

(b) * * *

4. (a) No change in the status of the Inamdars of Maldeo was made in 1906. In 1911 the Collector reported that the Inamdars were in arrears to the extent of Rs. 476-11-2 which they were unable to pay and that about half the inam area was liable to resumption under the terms of the sanads. He recommended that instead of levying the arrears by attachment all the inams should be

*Questions.**Answers.*

(b) Are the Inamdars of the village, holders of the land in the village and will this change subject them to pay more to Government; if so, how much more?

(c) What is the total population of the village and the number of the Inamdars who will now be reduced to the status of occupants, and what is the annual estimated average crop yield of the village?

5. (a) Is it a fact that the practice of allowing sub-sharers in cash allowances to receive their shares from the Treasury direct on their passing what are known as Pot Pavte receipts has been stopped?

(b) If the practice is stopped under any Government Resolution, will Government be pleased to lay the same on the Table?

Inamdar's grievance.

6. (a) Are assistance decrees passed by Revenue Courts subsequently wiped off in the Sâtara district on the ground that the Inamdar superior holder (? had) not accepted Survey Settlement rates?

(b) Has the attention of Government been drawn to the judgment of the Bombay High Court in XII Bombay Law Reporter, page , in the matter of the inability of the Inamdars to claim any enhanced rent from Inam lands to which under sections 216 and 217 Survey Settlement has been extended?

(c) Is it true that in some districts assistance has come to be refused to Inamdars because Survey rates have not been introduced?

declared forfeited and the land, including what was liable to resumption, regranted to the present occupants on their passing kabulayats as in the case of Government waste land. His recommendation was accepted by Government.

(b) The Inamdars are the actual cultivators of the inam lands. The judi that was payable by them was Rs. 142-15-0. The assessment at the survey rate sanctioned for the village will amount to about Rs. 238.

(c) The population of the village is 167. There were originally 17 Gadkaris but 16 out of 17 are dead and the number of the present occupants has not yet been ascertained. Government do not consider that any useful purpose would be served by attempting to make an estimate of the average crop yield of the village.

5. (a) The practice followed in the matter is that prescribed by Rule 19 of the Rules framed under section 14 of the Pensions Act, 1871, and published in Government Notification No. 6849, at pages 1020—1027 of *Bombay Government Gazette*, 1879.

(b) The practice has not been changed but deviations from it have, on occasion, had to be checked.

6. (a) Inquiry will be made.

(b) Yes.

(c) Inquiry will be made.

Questions.

7. (a) Has Government noticed the report in the Wái "Vrittasar", "Prakash" and other Sátára papers of persons injured by wild beasts, especially wild pigs?
- (b) Is it a fact that in the village of Kashil in the Sátára district the villagers killed a tiger with simple láthies but at the sacrifice of one man in the month of June or July last?
- (c) Is Government aware of the wide-spread nuisance caused and likely to be caused to agriculture by wild pigs, particularly in villages near reserved forests? Is this nuisance made the subject of questions in local Durbars in districts abounding in "Forests"?
- (d) Is it a fact that in some districts, in licenses, issued lately, the words "sports" and "show" have been deleted by local officers and, if so, will Government make public the reasons why?

Mr. Brayne's Judgment.

8. (a) Is it a fact that Mr. Brayne, Assistant Collector, Sátára, required the Mám-latdár of Karád to send carts in removal of his camp, that the Mám-latdár ordered his peon to get carts and that in the affair finally, under section 353, Indian Penal Code, Krishna Tukaram and Natha Babaji were sent up for higher punishment under section 349, Criminal Procedure Code, and that Mr. Brayne sentenced the persons to 15 days' simple imprisonment on the 9th June 1912 in case No. 25 of 1912?
- (b) Is it a fact that in meting out this punishment Mr. Brayne observed as follows:—"It seems to me that the accused, men of some standing in the village, have suffered a great deal already by their presumptuous behaviour, by a long trial at a place, 50 miles from their house. They have retained counsel at some expenses. It seems to me therefore that they will be punished enough if their "Abbru" is tainted by a sentence of simple imprisonment for 15 days each."

Answers.

7. (a), (b) and (c) Government have no information, but enquiries will be made.

(d) Government have not made any enquiries. But as the license Form XVI to which the Honourable Member refers is granted for sport or protection or display it is usual to score out the words "sport" and "display" when the license is granted for protection only.

8. (a) and (b) Information will be called for.

*Questions.**Answers.**Gadkari Inams.*

9. With reference to my question No. 14 at the July sitting of 1912, will Government be pleased to state the nature of the orders referred to in its reply, if there be any objection to place the order itself on the Table?

9. The orders require the officers of the Public Works Department to obtain the permission of the Forest Department before authorising contractors to quarry in any specified quarry or locality situated within forest limits and to intimate to, or arrange with, the Forest Department Officers the time when such quarrying will take place.

Supersession of Mámlatdárs.

10. Will Government be pleased to state whether it is a fact that some Mámlatdárs are superseded, without letting them know their faults?

10. A Mámlatdár may be superseded in promotion to the first and second grades without reason being assigned, because promotion to these grades is given more in consideration of proved merit and capacity than of seniority. He may also be superseded without reason being assigned if the Commissioner in the exercise of powers conferred upon him gives special promotion to another for special reasons or to meet special emergencies. In other cases promotion is regulated ordinarily by seniority, and if a Mámlatdár's promotion is postponed or stopped on account of any fault or of unfavourable remarks in the periodical reports on his work and qualification, the nature of the fault or of the unfavourable remarks is understood orders to be communicated to him.

11. (a) In reference to the answer given to my question No. 2 at the meeting of the Council of the 8th July 1912, will Government be pleased to lay on the Table a statement in respect of the 2,000 acres resumed, giving following details:—

- (1) Year.
- (2) Area alienated in consequence of which resumption followed.
- (3) Area resumed.
- (4) Increased land-revenue available to the State in consequence.
- (5) Subsequent to resumption how it is disposed of.

(b) Have any fresh orders been passed with regard to the minimum of area alienated, which works resumption?

11. (a) The information will be called for

(b) No orders have been issued in the matter.

Questions.

12. Do Government propose to consider in fulfilment of the policy enunciated in the Secretary of State's Despatch No. 9 Public (Educational) of the 28th January 1892 (paragraph 6) the desirability of throwing open at least one more post of the existing posts of Educational Inspectors to Indians of approved merit and senior in service in the Educational Department?

Pandharpur Fair.

13. Will Government be pleased to state whether they are aware of the disappointment caused by the stopping of the "Palkhis" for the Pandharpur "A'shadhi" Fair and whether they intend, with a view to avoiding similar occurrences, to consult the public concerned on the subject of providing a more desirable way of dealing with a matter that threatens to interfere with long immemorial customs of religious importance to the Hindu community?

14. Have the following facts attracted the notice of Government:—

(a) D. E. Society's New English School at Sátára possesses a new erected building enough to accommodate 450 students according to the calculation of the managers of the school;

Answers.

12. The Honourable Member's attention is invited to the later Despatch from the Secretary of State, No. 22, dated the 12th March 1896, and paragraph 11 of the Government of India's Resolution No. 4-Education 204-215, dated the 23rd July 1896, published in the Selections from the Records of the Government of India, Home Department, No. CCCLVIII, from which it will be seen that the Secretary of State sanctioned the proposal that three of the then existing four Inspectorships should be reserved for the Indian Educational Service, the remaining Inspectorship being included in the Provincial Educational Service. Since then the total number of Inspectorships has been raised to five, but Government are not at present prepared to consider the question of transferring to the Provincial Service any of the appointments now included in the Indian Educational Service.

13. Owing to the prevalence of cholera the passage of the *palkhis* through the Poona district was forbidden by the District Magistrate, Poona. The footprints of the god were, Government believe, taken to Pandharpur by train. Interference with religious customs of this sort is necessary when there is an epidemic, and as prompt action is necessary, Government cannot undertake invariably to consult public feeling before issuing orders, since to do so might be fatal to the arrangements for the protection of the country.

14. Government are aware of the circumstances of the case. Its history is as follows:—

When in 1905 the application of the Deccan Education Society for a grant-in-aid for its new school at Sátára was under consideration it was deemed advisable, in view of the fact that the existing Government

Questions.

- (b) that the accommodative capacity of the building has been certified by the Educational Inspector at 380 ;
- (c) that the school authorities have been required by an order from the Director of Public Instruction to keep the number of 250 with a margin of 20 ;
- (d) that the present attendance is very near the limit allowed ; and thus the fresh admissions will have to be calculated only at the number of students leaving the school on passing the School Final and Matric, or otherwise which means not more than 20 ;
- (e) in view of this difficult situation will Government be pleased to enquire into the propriety of maintaining the kind of order issued by the Director of Public Instruction ?

Answers.

High School was at the time considered capable of accommodating all the 500 students seeking secondary education at Sátára, to effect an arrangement which, while admitting of healthy competition and friendly rivalry between the two institutions would effectually prevent either of them from being in a position completely to oust the other from the field, a naturally undesirable result. Recognition of the new school was accordingly made conditional on the Society's agreeing to limit the admissions to their school to a maximum of 250, that is to say, half the school-going population of the place. This condition was accepted by the Society. Since then the number of students seeking secondary education has increased to 600 and last November the maximum limit of admissions to the Society's school was accordingly raised by making 250 the limit for average attendance instead of the limit for admissions on the rolls, the practical effect of the change being to raise the limit of admissions from 250 to about 300. The Government High School with a present certified capacity of 350 has during the past three years had an average on the rolls of 295 and an average attendance of 254. The Society's school with a certified capacity of 353 (and not 380 as stated by the Honourable Member) has during the same period had an average on the rolls of 243 and an average attendance of 210. The result of the concession recently made will be that the student population of the locality will be equally divided between the two institutions. In the above circumstances Government do not propose for the present to introduce any further modification in the terms of the agreement between the Deccan Education Society and the Department.

15. Are Government aware : that the Station Master of Koregaon was fined one rupee for detaining a train for 10 minutes on account of the serious illness of a passenger which proved fatal ?

15. Information will be asked for.

Questions.

Answers.

16. (a) Is it a fact that grain compensation to Railway servants on the M. S. M. Railway, other than the Railway Police is still awarded only under old Government Resolution, Financial Department, No. 57-E., dated 6th January 1900, restricting it to persons, whose pay does not exceed Rs. 16 per month, in spite of the fact that the same Resolution is subsequently modified by Bombay Government Resolution, Financial Department, No. 1610, dated 31st March 1908, under which, grain compensation is extended to servants whose pay exceeds Rs. 16 but does not exceed Rs. 30 under certain restrictions?

(b) Is Government aware that in answer to representations made by several Railway servants of the Traffic Department M. and S. M. Railway, the General Traffic Manager construed the revised Government Resolution as meaning that it is not applicable to Railway servants?

(c) Will Government be pleased to say whether they propose to take any action in the matter?

17. (1) Will Government be pleased to enquire, whether, when the census of 1911 was taken in the Sátára city, people had been scared away by plague, and that the census then showed a population of 15,893 souls?

(2) Is it a fact that the Sátára municipality with the requisite sanction of Government, took a fresh census subsequently and that it transpired that the population was found to be a little over 20,000?

(3) Will Government be pleased to recognise the result of this and similar later censuses, for Council election and other purposes?

18. (a) Has Government been pleased to notice the remark in paragraph 17 of the Annual Report of the Police Ad-

16. (a) and (b) Government have no information.

(c) The grant of grain compensation allowance by a Railway Administration to its employes is a matter for the Railway Administration alone. It is not open to Government to interfere with the discretion of the Railway Administration in the matter.

17. (1) The statements made by the Honourable Member are correct and no further enquiry is necessary.

(2) Yes.

(3) The matter is under consideration.

18. (a) The reply is in the affirmative.

Questions.

- ministration for the Town and Island of Bombay, *viz.* :—"The Criminal Investigation Department scrutinized 184 plays; they passed 179, rejected 5 and passed 11 after the deletion of objectionable passages."
- (b) Will Government be graciously pleased to extend to intending authors the concessions given by their Criminal Investigation Department officers to the 11 plays which were passed after deletion of objectionable passages? How many of these 179 were printed matter? And how many of the 11 were printed matter?
- (c) The same paragraph of the same Report further says:—"Action under the Press Act resulted in the confiscation of 4,820 proscribed books." Does this figure represent the total number of books proscribed since the introduction of Act I of 1910 in the City of Bombay?
- (d) Are these all 4,820 books, referred to in the paragraph, notified in the *Government Gazette* as having been proscribed under Act I of 1910? Or how many of these 4,820 are copies of proscribed books, and what was the number of such proscribed books?
- (e) Does this number represent the total number of books confiscated throughout the whole Presidency? If not, what is the total number of books so confiscated in the whole of the Presidency?
- (f) As in the case of the 11 plays passed after deletion of objectionable passages, what part did the Criminal Investigation Department take in the procedure of the proscription of the 4,820 books?
- (g) Who actually scrutinized the books referred to?
- (h) Will Government be pleased to notify the 179 plays passed by the Criminal Investigation Department for the information of the District Magistrates and the public?

B 101—159

Answers.

- (b) Government do not, as at present advised, propose to alter the present procedure as regards books. 53 plays out of the 179 and 2 plays out of the 11 were in print.
- (c) The figure 4,820 refers to the number of copies confiscated and not to the number of separate publications proscribed.
- (d) and (e) The total number of publications proscribed in the Presidency up to December 1911 is 139.
- (f) The part played by the Criminal Investigation Department in the proscription of books was *nil*.
- (g) The books were scrutinized by Government and their officers.
- (h) Government do not propose to notify the plays in question.

Questions.

(i) Who have been in the years 1910 and 1911 consulted since 9th February 1910 in the matter of examining a book or work reported to contain objectionable matter?

(j) Will Government be graciously pleased to consider the advisability of appointing an officer or a committee to whom the intending authors should have the option of submitting their manuscripts for censorship, with a view to avoid unnecessary expenditure and possible difficulties?

19. (a) Is it possible to lay down some procedure for general application in the matter of dramatic performances? And in view of the uncertainty and consequent loss and embarrassment caused to dramatic and amateur companies and the public, will Government be pleased to enquire whether managers of companies, though permitted by District Magistrates, have yet to obtain permission of local officers of the place where they have to perform their play or plays?

(b) Will Government be pleased to consider the propriety of the following proposals in view of the present uncertainty regarding permission to plays and performances?

(i) To rule that, when the District Magistrate of a certain district gives permission for the performances of a play to a particular company there should be no necessity to obtain fresh permission to act the play within the District Magistrate's jurisdiction; and

(ii) To publish from time to time, at the convenience of Government, a list of such plays as in the opinion of Government may be safely enacted without any special permission; and

(iii) To enable intending writers of dramatic compositions for performance, to submit manuscript copy to Government for examination, and when such a work is declared unobjectionable, it may be safely enacted without any fresh permission.

Answers.

(i) The Honourable Member is referred to the answer given to 18 (g).

(j) Government do not consider it advisable to appoint either an officer or committee for the purpose mentioned.

} Government do not propose to alter the existing practice.

} Government do not propose to alter the existing practice.

Questions.

20. (a) Will Government be pleased to state the number of teachers employed in village schools of the Presidency under the following heads:—(a) trained, (b) untrained but qualified by passing the Public Service examination and (c) untrained and unqualified?

(b) Will Government be pleased to consider the question of introducing agriculture as a subject into the rural school curriculum along with Kindergarten and object lessons as originally intended?

21. Will Government be pleased to state whether they propose to publish annually separate statements of expenses incurred on account of European High and Middle school scholarship examinations and of Native High and Middle school scholarship examinations?

22. Has Government been pleased to take any steps like the one taken by the Government of Bengal in the matter of Government Medical College at Calcutta or otherwise to ascertain if there are any persons competent to fill the chairs of Anatomy and Pathology at the Grant Medical College referred to in the Hon'ble Sir Pheroze Shah M. Mehta's question No. 4 at the Council sitting of 25th July 1911?

23. Will Government be graciously pleased to arrange to supply gratis the recognized libraries with parts of the *Gazette of India* containing Council proceedings of the Imperial Legislative Council?

G. I. P. R. Goods Sheds.

24. Will Government be pleased to enquire, and to state, whether majority of thefts reported from G. I. P. Railway Goods Sheds, relate to corn and to articles known as "Upurnis, Khans and Pitambers"?

Answers.

20. (a) Enquiries are being made.

(b) The Honourable Member's attention is invited to paragraphs 7 and 11 of Government Resolution No. 1402, dated the 5th June 1912, and published in Press Note No. 1405 of the same date. Kindergarten occupations and object lessons are prescribed not for rural but for full primary schools. The orders regarding the exclusion of the teaching of agriculture from all primary schools whether rural or urban were issued after full consideration and Government see no reason to modify them for the present and until experience has been gained.

21. The matter is under consideration.

22. As sanction to the creation of the proposed chairs of Pathology and Anatomy has not yet been received, the question of taking steps of the nature referred to has not arisen.

23. The suggestion will be considered.

24. Enquiries will be made.

Questions.

Depressed Classes.

25. Will Government be pleased to state, as to how many of the Coolies at the Poona Railway Station, belong to the Depressed Classes?

Survey Classes.

26. In reply to my question No. 18 put at the November 1911 Sitting, Government were pleased to state that "The Classes were discontinued pending consideration of other arrangements." Will Government be pleased to state what were these other arrangements and how far have they progressed since?

Miscellaneous.

27. Will Government be graciously pleased to say how far the enquiries and the consideration have progressed with respect to matters covered by my questions quoted in the margin?

Question No.	Meeting.	Subject.
(a) 31	21-11-1911.	Salt refuse.
(b) 25 (G)	13-3-1912.	Bhandup Salt work project.
(c) 14	9-5-1912.	Mahad High School.
(d) 21	Ditto ...	Bombay Civil Court.

Answers.

25. Enquiries will be made.

26. The classes for the training of village accountants in survey have been suspended until the work of measuring and mapping sub-divisions of survey numbers has been completed by parties specially organised for the purpose. Considerable progress has already been made with this work. Government have directed that as many village accountants as possible should be taken on and trained in the special parties. When employed in these parties they are likely to become far more expert in the survey work which a fully trained village accountant may be required to perform than if they merely received instructions in a class.

27. (a) Arrangements have been made for the issue of denatured salt from the Matunga Salt Works at 8 annas a maund including bagging and conveyance charges to Dadar and from a fish curing yard in the Ratnagiri District at 7 annas a maund. The Divisional Inspector of Agriculture by a general notice invited applications from intending purchasers. A note of the results will be placed on the table when the report of the Director of Agriculture on the experiment is received.

In all 116½ maunds of salt were issued to 16 persons and 63½ maunds for use in experiments carried out by the Divisional Inspector of Agriculture. The experiments show favourable results and the concession is being continued.

(b) Government have decided to suspend for the present further action in connection with the project.

(c) Government have decided not to establish a high school at Mahad since it has not been conclusively proved that the need for a second high school in the Kolaba District is a pressing one. They have however permitted the municipal Anglo-Vernacular school to teach the

Questions.

Answers.

full high school course. This will not only satisfy the needs of the people of Mahád for the present, but will soon make it clear whether there is a real demand for establishing a high school.

(d) The information called for on this matter is still awaited.

Artificial cultivation of "Lac".

28. Will Government be pleased to answer the following questions to supplement the information contained in Government Resolution No. 5820 of 21st June 1912, and published in the *Bombay Government Gazette* supplementary, page 438 :—

(i) What trees were inoculated in the forests of the West Khándesh and in the Central Lower Sind ?

(ii) What were the kinds and numbers of the trees of each sort, where located, of what age, and what was the yield for each tree or what was the average yield ?

(iii) What was the cost of mother "lac", for inoculation labour, for watching the crop and for gathering it ?

(iv) What net profits are expected ?

(v) Mother-lac from what trees was used and in what quantities, when did the insects appear, when was inoculation carried on, when did the males appear, when was the crop gathered, what steps were taken to guard the insects against their enemies referred to in Chapter VII of Mr. Stebbing's Monograph ?

(vi) Whether the operations were carried on under trained supervision, if so, what was its cost ?

(vii) Whether the operations were carried on departmentally or by contract ? If the latter, what were the terms of the same ?

(viii) How was the gathered stick lac stored ? Whether any means were taken to prevent the lac from getting coagulated ?

28. A description of the experiments that are being carried on by the Forest Department in West Khándesh and Sind for the introduction of the lac insect and for extending the area of the natural production of lac will be called for and the details with the results obtained will be published for general information.

Questions.

Answers.

(ix) Will the above details and such further details as will encourage and instruct private efforts in the direction in private lands as advocated by Mr. Lefrey, be published in the *Government Gazette*?

(x) Will a bulletin in the vernaculars be issued embodying instructions and recording the experience of the late experiment?

THE HONOURABLE MR. SIDDHANATH
DHONDDEV GARUD.

1. (a) Is it true that in the East Khándesh and Násik Districts Rayats are allowed to take Anjan leaves from forest areas for their cattle free of any charge?

(b) Is it true that in the West Khándesh District contractors are allowed to levy three annas per hundred pounds of Anjan leaves collected by the Rayats?

(c) If so, is there any reason why the rayats in West Khándesh should not be allowed the more favourable treatment that is permitted in East Khándesh and Násik?

[*This question was asked at the meeting held on the 8th July 1912 when an ad interim reply was given.*]

1. (a) The concession referred to was granted in East Khándesh and Násik free of charge during the period when a great scarcity of fodder prevailed.

(b) In West Khándesh those taking advantage of the concession were required to pay to a contractor a fee of 3 annas per 100 pounds of Anjan leaves.

(c) In West Khándesh the extent of the Anjan forests is limited and the forests are situated near the borders of the Málegaon Táluka in the Násik District. If permission to collect Anjan leaves free had been given, it would have been impossible to confine the concession to the people of West Khándesh for whom it was intended. Others would have come in great numbers to participate in the collection of leaves and the supply would quickly have been exhausted. The limited forest staff could not have exercised adequate supervision or afforded effective protection to the trees. The damage which would probably have been caused to the trees by the breaking of branches would have led to the withdrawal of the concession and the inhabitants of Dhulia and other Khándesh tálukas might have suffered for the misdeeds of people coming from outside.

The contract which was given by the Divisional Forest Officer with the approval of the Collector did not

*Questions.**Answers.*

2. In order to supplement the information contained in Government Resolution No. 5820, dated the 21st of June 1912, about the artificial cultivation of lac, will Government be pleased to state—

- (a) What trees were inoculated with lac in the forests of West Khándesh and Central Lower Sind ?
- (b) What was the number of trees, the cost of mother lac, inoculation labour and other expenditure ?
- (c) What was the average yield per tree and the profit expected ?
- (d) Will a description of the experiment and of its results be published in a bulletin in the vernacular ?

produce any revenue to Government. It gave permission to the contractor to collect and sell Anjan leaves at a fixed rate of 6 annas per 100 lbs., or sell to people who collected the leaves by their own labour at 3 annas per 100 lbs. The contractor on his part provided an adequate staff of watchmen to protect the forest; and sold leaves only to the inhabitants of the Dhulia, Sakri and Sindkheda talukas. Also he was under bond to pay a heavy indemnity to Government if he failed to protect the trees against wilful damage or otherwise failed to carry out his agreement. There was a great demand for the leaves and sales were carried out properly by the contractor. The result of the measures taken was that (1) no appreciable damage was caused to the trees which will thus be available to the same extent as before for the supply of fodder in the event of the occurrence of another famine and (2) the supply of Anjan leaves was maintained until the period of scarcity of fodder ended.

2. Attention is invited to the reply given to question 28 put by the Honourable Mr. Karandikar.

**BILL No. II OF 1911 (A BILL FOR THE REGISTRATION
OF CHARITIES).**

His Excellency the PRESIDENT :—The first Bill on the agenda is the Bill for the Registration of Charities, Second Reading, which stands in the name of the Honourable Sir IBRAHIM RAHIMTOOLA. The Honourable member has been informed of the reasons which I am sorry to say will make it necessary to postpone consideration of this Bill.

The Honourable Sir IBRAHIM RAHIMTOOLA :—Your Excellency,—I have once more to ask this Council to postpone the consideration of this

The Honourable Sir IBRAHIM RAHIMTOOLA moves postponement of the second reading of the Bill for the Registration of Charities.

Bill. The reason for this is that the papers in connection with it have had to be sent to the Secretary of State and we have to wait for his final reply before we can proceed with its consideration in this Council. I am sure the

Council will sympathise with me in being obliged to ask from time to time for the postponement of the second reading of the Bill in spite of the fact that the Select Committee had twice unanimously recommended it. This prolonged delay has been caused in consequence of the papers having had to be sent to the Government of India and the Secretary of State. I ask Your Excellency and the Council to sanction the postponement again.

Second reading of the Bill postponed.

The sanction was granted.

BILL No. X OF 1912 (A BILL TO AMEND THE INDIAN LIMITATION ACT, 1908).

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—I beg to move for the first reading of Bill No. X of 1912—A Bill to amend the Indian Limitation Act, 1908. Honourable Members of

The Honourable Mr. M. B. CHAUBAL moves the first reading of a Bill to amend the Indian Limitation Act, 1908.

this Council are probably aware that according to a long course of decisions of the High Court of Bombay, suits for the sale of mortgaged property were governed by article 147 of the 2nd schedule of the Limitation Act which provided a period of 60 years. This course of decisions was however upset by a ruling of their Lordships of the Privy Council who held that suits on the kind of mortgages generally executed in the mofussil in this Presidency would be governed by article 132 as being merely suits for the recovery of money charged upon immovable property for which only a period of 12 years was provided. This decision of the Privy Council was rather a rude shaking to the general belief in this Presidency that a mortgagor and mortgagee had mutually reciprocal and equal remedies at law, and that, if a mortgagor had sixty years to redeem in, the mortgagee had the same period for following the mortgaged property and recovering his money by sale of the property.

The Government of India, when in 1908 they consolidated and amended the law relating to the limitation of suits, gave effect to the decision of the Privy Council by cutting down the period of 60 years to 12, but at the same time provided against the great hardship that would be caused to mortgagees in this Presidency and other provinces similarly situated by laying down in section 31 of the new Act that their suits may be instituted within two years from the date of the passing of the Act (*i. e.*, the 7th August 1908) or within 60 years from the date when the money secured by the mortgage became due, whichever period expired first.

The just and equitable operation of this provision against the hardship apprehended from a change in the law failed to take effect in those districts of the Presidency where the Dekkhan Agriculturists' Relief Act was in force. Section 47 of this Act provides that no suit or application, to which any agriculturist residing within any local area for which a conciliator has been appointed is a party, shall be entertained by a Civil Court

unless the plaintiff produces a certificate obtained from such conciliator under section 46 of the Act within the year immediately preceding. Section 48 of the Dekkhan Agriculturists' Relief Act provided that in computing the period of limitation *prescribed for any suit* or application, the time intervening between the application to the conciliator for a certificate and the grant of one by him shall be excluded. Relying on getting the benefit of this section a large number of suitors failed to bring their suits within the 7th of August, 1910—the last day of the two years mentioned in section 31 of the Limitation Act, 1908.

The High Court of Bombay, however, on a reference decided that the word "prescribed" in section 48 must have the same meaning as attached to it in the Limitation Act, sections 4 and 5, or section 72 of the Dekkhan Agriculturists' Relief Act, or section 3 of the new Limitation Act, 1908, *i. e.*, "prescribed in the first schedule to the Limitation Act". They held that the two years mentioned in section 31 was not *the period prescribed* for a suit of this description—the period prescribed for it in the schedule being 12 years—and that according to the ordinary canons of interpretation there was no justification for extending the period of grace of two years *from a definite date* by excluding from computation the time elapsing between the dates of the application to the conciliator and the grant of the certificate by him.

A large number of suits was dismissed by the subordinate Courts in the mofussil in consequence of this decision, which was binding upon them and the discontent and hardship caused to the litigating public was voiced in several representations received by the Government and in questions put by Honourable Members in this Council. In consequence of these complaints Government attempted to gauge the approximate amount of hardship caused to the public, and such inquiries as they made elicited the information that nearly 20,000 suits, involving claims to the value of half a crore of rupees, were involved, and that most of these suitors had all paid the requisite court-fees on their claims.

This Government, therefore, being satisfied that hundreds of litigants and their legal advisers had *bonâ fide* acted on a recognized principle of computation of time, that substantial hardship and injury had been caused to all these litigants most of whom had already borne the initial expenses, considered that it was only equitable that these suits which had been or were likely to be affected by the said ruling of the High Court should be tried by the Courts on their merits. The Government of India were accordingly approached with a recommendation that a small amendment should be passed by them to remedy this hardship. They, however, though approving of the proposal to remove the hardship, considered that the matter was one of local interest and that therefore steps should be taken in the local Legislative Council calculated to give the necessary relief. This small Bill has accordingly been drafted for the purpose.

To put it shortly, the hardship caused by a ruling of the Privy Council was remedied by the Government of India by enacting section 31 in the Limitation Act. An authoritative ruling of the local High Court has caused similar hardship to a number of litigants by depriving them of the intended benefit of that section, and the object of the present bill is to remedy this latter hardship.

I am aware that in the Bill as drafted some errors by oversight have crept in, which as the Honourable Mr. KARANDIKAR and others apprehend, might not give to the public

that adequate relief which it is and has been the intention of Government to give by this Bill. I can only assure Honourable Members that they may depend on these errors being corrected and all reasonable defects being remedied in the Select Committee. In fact, the Bill, as it should stand corrected, has been drawn up and printed to expedite the work of the Select Committee, which will have to hold its sitting either this evening after the business of the day before the Council is over or tomorrow before the business of the Council begins so that it may be possible to go through the second and third readings of the Bill and pass it into Law at this session of the Council. Honourable Members are already aware of the extreme urgency and necessity of the Bill.

For these reasons I move that this Bill be read a first time, and that the motion that it be so read be carried by the Council.

The Honourable Mr. RAGHUNATH PANDURANG KABANDIKAR[†] said :—Your Excellency,—I have great pleasure in supporting this motion. In view of the assurance given by the Honourable Member in charge of the Bill, I hope when the Bill emerges from the Select Committee there will be very little cause for fear or anxiety in respect of the matters mentioned in it.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said :—Your Excellency,—I rise to support the first reading of the Bill. As the Honourable Mover has pointed out, there are certain things which might well be considered when the Bill is before the Select Committee. For instance, apart from those mentioned in the Bill, there are certain other sets of litigants whose cases have also to be considered. It often happens that suits are time-barred owing to delays arising from mere technical causes. For example, sometimes delays occur owing to process of summons not being served on witnesses through the difficulty of paying *bhatta* in time. These things are often neglected, because litigants and their legal advisers think that it would serve no useful purpose in fighting for such things. I submit that this class of litigants also deserves some relief. There is a very large class of litigants whose claims are thrown out on mere technical grounds. I hope the Select Committee will take this point into consideration when the Bill is before them.

Bill read a first time.

The first reading of the Bill was then passed.

The Honourable Mr. CHAUBAL said :—Your Excellency,—The motion for the first reading of the Bill having been passed, I propose that this Bill be referred to a Select Committee consisting of the following Members: the Honourable Mr. CURTIS, the Honourable the ADVOCATE GENERAL, the Honourable Mr. KABANDIKAR, the Honourable Mr. GARUD, the Honourable Mr. SETALVAD and the Mover, with instructions to submit their report to the Council before the business for this session is over. I have also to request Your Excellency to suspend the rules in order to enable the Council to carry the Bill through further stages and to have it passed into law at this session.

Suspension of standing order.
Bill referred to a Select Committee.

His Excellency the President suspended the standing order as applied for, and the motion was agreed to.

**BILL No. IX OF 1912 (A BILL FURTHER TO AMEND THE
BOMBAY TRAMWAYS ACT, 1874).**

The Honourable Mr. CHAUBAL said:—Your Excellency,—The Bill further to amend the Bombay Tramways Act of 1874 was framed at the instance of the Tramway Company and drafted on the lines of the provisions in similar Acts at Home, in which it is not unusual to find statutory protection given to Public Companies (*i. e.*, companies empowered by the legislature to carry out undertakings which serve the general public) for the carrying on of works necessary to their undertakings, in cases where the absence of such statutory authority would expose them to the risk of molestation by means of actions at law to restrain them from carrying on the said works on the ground of their creating a nuisance. The object of the Bill is not to bestow by Legislature on a Public Company a license to commit nuisances without restraint, but to enable it to carry on its business, without interference, so long as it can show that it has done so without negligence.

This Bill was therefore supposed to be non-contentious, but its publication has attracted strong representations from bodies like the Port Trust and the City of Bombay Improvement Trust and from owners of properties adjacent to the Company's works, who at present apprehend that the operation of the Amending Bill will be prejudicial to their interests.

In order therefore that there should be fuller opportunity to consider these representations and enable the Tramway Company to state their case against these representations I pray that Your Excellency will permit me to propose that the first reading of this Bill be deferred to the next session of Council by which time Government will have fairly and fully considered the conflicting interests of the parties affected by the Bill.

The Honourable Sir PHEOZESHAB MEHTA:—Will Your Excellency allow me to suggest that this amending Bill should be submitted to the Bombay Municipal Corporation? In view of the fact that there is a contract between the Corporation and the Tramway Company it is usual, whenever any matter is brought in this Council which affects that Contract, to ask the Corporation to give its opinion on it.

His Excellency the PRESIDENT:—I assure the Honourable Member that it shall be referred to the Municipal Corporation for opinion.

First reading postponed.

The Motion was agreed to.

**BILL No. VII OF 1912 (A BILL FURTHER TO AMEND THE CITY
OF BOMBAY IMPROVEMENT ACT, 1898).**

His Excellency the PRESIDENT:—We now come to Bill No. 2 on the agenda—a Bill further to amend the City of Bombay Improvement Act, 1898, Second Reading, which I will ask my Honourable COLLEAGUE to move.

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—I now beg to move

The Honourable Mr. M. B. CHAUBAL moves the second reading of the Bill further to amend the City of Bombay Improvement Act, 1898, as adopted by the Select Committee.

The Select Committee's report with the Bill as amended by them has been circulated to all the Honourable Members of Council and I think at this reading I need do nothing more than draw the particular attention of the Council to the more salient and important features of the alterations effected in the original Bill during the deliberations of the Select Committee.

Clause 9.—The first alteration of any importance is in clause 9, which proposed inserting two sections 27A and 27B after section 27 of the Act. As I stated at the first reading, this clause in the amending Bill was intended to give certain relief to owners whose property is notified for acquisition under section 27 in cases in which there is long delay before a declaration under section 29. The Select Committee considered that the language of section 27A as proposed in the Bill was vague and likely to be taken advantage of by a certain class of property-owners inasmuch as it might enable a person who had turned up a few clods for the foundation of a house, or who had put a few pieces of timber on the site when the notification under section 27 was drawn up, to contend that *building operations were in progress on his land*. In order to confine the contemplated relief only to such property-owners as were *bond fide* erecting a building and were engaged in substantial building operations, they have proposed that in order to compel the Collector to forthwith proceed with the acquisition after the notification under section 27, the building *must be structurally complete up to the first floor*. The Select Committee also considered it desirable that if a person had substantial building operations in progress on his land at the date of such notification, the Collector should have no option but must immediately proceed to acquire the land.

In section 27B the Select Committee have proposed, that when the Board decide to acquire any land in consequence of a written notice by the owner, they should be compelled to communicate the decision arrived at both to the owner and to the Collector.

Clause 10.—The next change of importance is in connection with clause 13 of the original Bill, relating to set-backs. It was originally proposed to insert a section 40A, after section 40 of the Act, and the object was to facilitate the widening of streets, without recourse to the expensive procedure of an ordinary street scheme. Under the law as it stands the Trust must undertake a street scheme under section 30 to improve existing means of communication and facilities for traffic. As explained at the first reading this involved *immediate* acquisition long before the widening of the road was actually required for traffic purposes and the Board became saddled with heavy unremunerative capital expenditure. The amendment was conceived with a view to enabling the Board to leave unacquired, lands that may ultimately be required for broadening roads, until the owners wanted to build upon them, when the necessary strip can be acquired, thus escaping the expense of acquiring the land after a building has been erected upon it.

In the Select Committee this clause was subjected to very close and careful consideration: they had the advantage of being assisted in the consideration of this

clause by one of the representatives of the Corporation and by the Honourable Mr. SHEPPARD who had intimate acquaintance with the practical working of set-back lines in Bombay as Municipal Commissioner. It was considered desirable that the whole subject should be dealt with separately under the heading of "Deferred Street Schemes," appropriately coming in after the portion of the Act dealing with "Street Schemes." These "Deferred Street Schemes" it is proposed to run on the lines of an ordinary street scheme—but they differ from it in that it will not be necessary under these to proceed to *forthwith* acquire *all the properties affected*. This postponement of acquisition is expected to be economically advantageous to the Board, while the interest of the house-owners are safeguarded by special provisions which require that the Board should in certain cases pay to the owner the 15 per cent. for compulsory acquisition in addition to the market value of the property and compel the Board to proceed with the acquisition within six months.

It is therefore difficult for me to appreciate the frame of the mind which is prepared to stamp all these provisions regarding "Deferred Street Schemes" as *utterly misconceived, and unpracticable in the actual working*. Apart from the advantage to the Trust and the house-owners referred to above, I believe the Corporation at present find it difficult to finance their street improvements and should be glad to be relieved of a part of this heavy burden. The burden would hardly be indefinite unless of course, an indefinite number of deferred street schemes was undertaken, which, I think, is highly improbable and which can certainly be checked by Government. I have therefore no hesitation in saying that the provisions as now recommended by the Select Committee being far from misconceived, are conceived in the best interests of the City, the Trust and the owners whose properties are likely to be affected.

Clause 11.—I pass on to the next important subject of this Bill, *viz.*: "The Poorer Classes Accommodation Schemes." As you are aware, the one point of regret, when the old Bill of 1907 had to be withdrawn in 1909, was that such withdrawal postponed the scheme proposed in that Bill for the provision of residences for the poorer classes. The provisions in the present Bill were originally adopted in consultation with the Honourable Sir VITHALDAS THAKERSEY. The Select Committee during their deliberations considered carefully the different suggestions made in the representations received from the Chamber of Commerce and the Mill Owners' Association: and adopted such of them as were thought to be reasonable and necessary. On this subject they had the special advantage of being assisted by the Honourable Mr. FAZULBOY CURRIMBOY and the Honourable Mr. LALLUBHAI SAMALDAS, gentlemen in the closest touch with the class these provisions most nearly affected. The suggestion thrown out in the belated representation of the Corporation was also adopted by the Select Committee. The building of chawls under the powers possessed by the Board under sections 25 (3) and 31 (3) of the Act was stopped for a time by the Board because they did not pay. Later on they resumed the idea to the extent of their liability to house the displaced. The Board have also minimised the loss. The idea of co-operating large employers of labour with the Trust emanated, I believe, with Sir VITHALDAS and was adopted at his instance. It was in no sense due to any "hedging" on the part of the Board and was proposed at a time when they had ample funds to build as many chawls as they chose. But such building was sure to entail loss eventually. At the first reading I expressed the hope that the

provisions in this respect will prove acceptable to the employers of labour and will be taken advantage of more readily by them. Seeing how well they have been received by the representatives of the large employers of labour on this Council and with the improvements in them made in the Select Committee I can repeat that hope with greater confidence—notwithstanding that an honourable member of this Council styles these provisions “ostentatious makeshifts which are doomed to failure” and “desperate attempts to cover disastrous failure of the Trust to perform one of the most important and essential functions entrusted to them.”

Cluses 8 and 12.—As regards clauses 8 and 12, whereby the period of 30 days has been extended to 3 months, the Honourable Sir P. M. MEHTA's minute of dissent observes that the period should be extended to 4 months, and the justification for the proposal is alleged to exist in past experience. In this connection, however, I may be permitted to mention that in the Calcutta Bill the period adopted is two months, and the Members of the Select Committee present all agreed in considering 3 months to be ample, if only ordinary business diligence was exercised by the Corporation.

Clause 14.—In clause 14 (section 41) relating to the vesting of a municipal street or vacant land in the Board, the Select Committee have introduced provisos, requiring notice to be given so that parties affected may have time and opportunity to submit their objections, if any, and requiring that the Board shall not close the part required if such closing caused damage or substantial inconvenience to adjacent properties, unless the Board have provided other reasonable means of access, and pay compensation for the loss of or damage to any private rights.

Clause 16.—In clause 16 (section 47) the Select Committee, after consultation with Government, have provided that where land is acquired from private owners specifically for a Police Accommodation Scheme, or a Poorer Classes Accommodation Scheme, the usual 15 per cent. for compulsory acquisition should be paid over and above the market value—as the grounds of public policy which probably induced the disallowance of this percentage had not the same force in the case of lands required for these purposes.

Clause 17.—As regards clause 17 by which the amending Bill proposes to give certain necessary powers to the tribunal to summon and enforce the attendance of witnesses, I note that the Corporation and the Honourable Sir P. M. MEHTA (who apparently think with one mind as their proposals are identically the same) recommend that the time had now arrived for abolishing altogether the Tribunal of Appeal constituted under the Act. Government, however, cannot accept the proposal, as the reasons for constituting a special tribunal for the expeditious disposal of compensation disputes are as good now as they were at the date of the original Act. Entertaining any such proposal would further cut at one of the original principles of the Act—which could not be done without a reference to the Government of India and the Secretary of State, a procedure which necessarily implied a still further postponement of this already belated Bill.

Clause 18.—By clause 18 (section 51) the Select Committee have with the consent of Government removed a long standing grievance on the part of the Board by providing that the Board should receive from Government or the Corporation, whenever any land

from Schedule C or D is resumed by the one or the other or whenever Government resumes any reclaimed area of land in Schedule E the market value of such land or area *as at the date of resumption.*

Clauses 28 and 31.—In respect of the financial clauses of the Bill, the Select Committee have, on a careful consideration of the representations made in this Council on the point, recommended it as a fair compromise of the conflicting claims urged by the Corporation and the Trust that retrospective effect should be given to the repeal of both sections 73 and 79: they have provided accordingly—and this will carry out the original intention, which was that the Board and the Corporation should be put in the same position as if the present Bill had passed into law last year.

As regards clause 28 the Select Committee have indeed recommended that no special account need be taken of outstandings of property-tax recoverable by the Corporation for any year previous to the financial year 1912-1913, but I may state here that the contention of the Honourable Sir IBRAHIM RAHIMTULLA is right in principle and Government are prepared to accept his amendment on the point.

As regards clause 33—the amendment proposed by the Honourable Sir IBRAHIM RAHIMTULLA was considered in the Select Committee—and though it was generally considered that there could not be any harm in adopting a provision about banking similar to that which now obtains in the City of Bombay Municipal Act—the Select Committee decided to keep the clause as it was for fear that it would perhaps postpone the Bill. Government think that the admission of the amendment will not necessitate a reference to the Government of India or the Secretary of State and have therefore decided to accept the amendment proposed by deleting the words “in the Bank of Bombay or” from section 89A *i. e.* clause 33 of the Bill.

The Select Committee have decided to delete the whole of clause 35 in the original Bill as it had the effect of extinguishing the rights of the Trust in a part of the area now vesting in them, while the scheme of the so-called Back Bay Reclamation had not yet been finally sanctioned. At the same time in order to enable the Board and Government to carry out the understanding arrived at between them, the Select Committee have added a proviso to section 61 by which Government are enabled by arrangement with the Board to carry out any reclamation within the limits specified in Schedule E and to make any agreement with the Board as regards the estate, right, title and interest in the land reclaimed.

I have, I think, dealt with all the principal changes which the Bill has undergone at the hands of the Select Committee, and I therefore move that the Bill as amended by the Select Committee be now read a second time.

The Honourable Mr. FAZULBHOY CURRIMBHOY said:—Your Excellency,—I beg to express my satisfaction at the fact that, after all, Legislative action has been given to the scheme for the accommodation of the poorer classes. The dreadful overcrowding that prevails in the City of Bombay is a great source of social and economic evil, and I am sure that this legislation, which has been introduced after long weary years of talk, will effect a tremendous change in the conditions of life in the City. The filthy slums of Bombay, in which, in the absence of the provision of sanitary dwellings, the bulk of the working classes live, are veritable death-traps and the haunts of plague and epidemic

diseases which are bred and fostered there. We know by experience that the death-rate in the Improvement Trust chawls at Agripada and Nagpada, has steadily and considerably gone down, and the results obtained therefrom fully justify the stress which is placed on the necessity for improving the housing of the poor. If these chawls are situated in the vicinity of the mills, it would be a great advantage to employers of labour as well as to workmen. My friend, the Honourable Sir PHEROZESHAN MEHTA, thinks that honest employers will find it too cumbrous and burdensome to make use of these provisions, but I venture to submit that if they produce results beneficial to the health of the workmen and secure their regular attendance at the Mill, which is uncertain when they live at a great distance from the scene of their labours, the employers will not mind them; but I strongly object to the gratuitous insult to the industrial world of Bombay which the Honourable member offers when he says "Dishonest employers will succeed without difficulty in defeating the object of preventing overcrowding and providing cheap sanitary accommodation." I do not know whom Sir PHEROZESHAN characterises as dishonest employers and I should have thought that such an experienced member as he is would have refrained from indulging in such loose and offensive remarks. The whole question was fully considered by the Committee of the Mill-owners' Association, and I have no hesitation in saying that they were completely in accord with the proposals. They made one or two suggestions through me to the Select Committee, who consequently decided that the dwellings should be constructed either by the Board or by the employer under the supervision of the Board.

As to the attitude of the mill-hands themselves, I would draw the attention of the Council to a resolution passed at the mass meeting held so long back as 1908. They then protested against the hardships they had to suffer owing to high rents charged by the owners of chawls and the rent farmers. They expressed their dissatisfaction with the state of things as it existed, and, as the Trust were acquiring properties at Sopari Bagh Road and Chamar Bagh Road, they petitioned to the trustees on the subject of housing the mill-hands, and urged that, as the Trust was created mainly for the resourceless population of Bombay, their claims should not be ignored. They wanted cheap and sanitary flats in the Parel district which is the centre of industry in the city. At that time, I happened to be the Chairman of the Bombay Mill-owners' Association, and the workmen forwarded the petition to me also, asking me to bring their grievances before the authorities. Improved sanitary dwellings will be of moral and physical advantage to the workmen. Particularly will they be the indirect means of promoting the cause of temperance which I know that Your Excellency has much at heart, for they will induce workmen to stay at home in clean and pleasant surroundings instead of spending their time in liquor shops and wasting their money in deleterious drinks. The mill-owners have always represented that they will not fail to co-operate with the Trust in providing sanitary dwellings for their workmen; yet they have been described as inhumane and selfish, and, when they show their willingness to accept what Sir PHEROZESHAN MEHTA calls cumbrous and burdensome provisions, the members of Council are calmly told by the champion of humanity that dishonest employers will frustrate the end in view of providing cheap sanitary dwellings for the poorer classes. The distrust of his fellowmen ill becomes Sir PHEROZESHAN, and, if it were universal would make all progress impossible.

As to the remarks made by my friend, the Honourable Mr. MUNMOHANDAS RAMJI, that the mill-owners were in a position to obtain loans on better terms than those offered

under the provisions of the Act, I may point out that these loans are for a much shorter period than those offered by the Trust. Another reason why they obtain the loans at a cheaper rate of interest at present is that the industry is passing through a period of prosperity and there is plenty of money available.

The loans which the mill-owners get are generally employed in purchasing the raw material which they have to keep in stock for future requirements, as it is difficult to obtain the best stuff at the end of the season. The Bombay mills are now going in for finer cloth, and they have to store cotton for as many as six months in advance. If they do not do so, it is difficult to get it owing to its exportation. In booming times, very handsome profits are secured by mills and therefore the mill-owners would not like to employ the loans in such less profitable concerns as the chawls which will not fetch more than 3 or 4 per cent. at the outset. But I do not wish to argue this point any further. I wish to emphasise the fact that for the past several years we have been suffering from paucity of labour supply. I believe that the construction of sanitary chawls near the mills they are working in, will be an attraction to them if we can provide them with better housing accommodation at cheaper rent. If their health is improved under more favourable housing conditions they would work more vigorously and the results would be far more satisfactory than those obtained at present. If these anticipated results from the construction of cheap sanitary dwellings are realised, the mill-owners who are at first slow to take benefit of the provisions will not hesitate to follow the example of those who come forward first to build the chawls for their workmen.

We know that the times are fast changing in Bombay, the old landmarks are disappearing; the work of demolition of houses for the making of new roads is progressing apace and the poor people find it difficult to get suitable accommodation which is placed beyond their means; the middle class population has commenced to drift northward, and in a few years they will overrun that area. The problem of housing the mill-hands will then become more difficult and in the near future we shall be confronted not only with the formidable problem of labour but also of housing our mill-hands. The City Trust is now embarking on large projects and for a long time to come they will not be able to build chawls for the workmen. The congestion in the areas to which the poor people, who have been displaced by the operations of the Trust, resort, will become intolerable with the result that the health of the city will suffer. By undertaking to co-operate with the Trust and tackling the problem of overcrowding, the mill-owners will benefit directly the industry and the city. The Trust is not therefore going out of its way in securing credit for the building of the workmen's chawls. It will assist the Trust in solving the problem of housing the poor, and it will conduce to the mutual benefit of the Trust and the employers of labour. With these remarks I beg to support the motion for the second reading of the Bill.

The Honourable SIR PHEROZESHAH M. MEHTA said:—Your Excellency,—It is generally imagined that affection yearns in a peculiar manner towards the youngest born. I do not know whether this adage is universally applicable, but, I think, I can confidently state that so far as the present Bill before the Council is concerned, it affords an instance of the way in which partiality is shown to the youngest born against the elder sister, The Municipal Corporation of the City of Bombay and the Board of the Improvement Trust are both creations of the Legislature for the purpose of looking after the welfare

of its citizens and carrying out improvement in the sanitary condition of the City. But when you examine this Bill carefully you cannot help seeing that it is the younger sister who is dowered in every possible way at the expense of the elder sister. In the first place, as I pointed out on the occasion of the first reading of the Bill, the poor Corporation was—except, as I then observed, with regard to the financial readjustment against itself—entirely left out in the cold and the number of provisions in which it was vitally interested were drafted in the Bill before the Corporation had any opportunity of offering its views about them. I shall presently show that though under one of the most important portions of the Bill, which related to what was originally called “the set-back provisions” but which under the alterations made by the Select Committee is called “the Deferred Street Schemes,” the function of the Corporation was overlapped by the Improvement Trust, it was not consulted beforehand in regard to it. But leaving alone those questions, in regard to the one point on which the Corporation was consulted, namely, the financial readjustment, it is the Improvement Trust which has got the best of it in every direction. The Government have been good enough to say that they have drafted this Bill with special reference to the urgent requirements of the Improvement Trust and that therefore they cannot incorporate into it other matters of a more controversial character in which the Corporation might be interested. Well, Your Excellency will pardon me for saying that I fail to understand why the requirements of the Improvement Trust should be so comparatively quickly satisfied, though it had taken a long time without any opportunity having been given to the Corporation for the purpose of urging various matters of importance in connection with the amendment of the Bill. So far as the financial readjustment is concerned, what do we find?

Under the old Act the Corporation was bound to pay a maximum of Rs. 5,00,000 to the Trust for the purpose of enabling it to carry on the operations entrusted to it under the Act. But it is generally forgotten when it is said that the Corporation were bound under the Act to pay 2 per cent., that the real intention of the framers of the original Act was that the Trust should be endowed with a fund of Rs. 5,00,000 a year. The 2 per cent. was fixed because at that time one per cent. of the rates fetched Rs. 2½ lakhs; but as I said it was forgotten that the original idea was not to pay 2 per cent., but to give something which would bring to the Trust a total sum of Rs. 5,00,000. But in doing that the original Act took the precaution of putting it in this way—though it has been subsequently denied—that the Corporation is bound to give so much of the 2 per cent. as the Improvement Trust may require for its purposes. I was rather surprised to see in the speech of the Honourable Member in charge of the Bill an observation that under that section the Corporation gave to the Trust what it liked. I may be pardoned for saying that that statement is not a correct one. A good deal of dispute and question arose with regard to the liability of the Corporation under that section, and the Honourable Member in charge of the original Act distinctly pointed out that they were providing to pay the Improvement Trust as much of the proceeds of the 2 per cent. as the Board required for its purposes. So the Corporation exercised no arbitrary will of its own. It willingly and readily advanced every year to the Trust a sum which its own Budget showed was required for its expenses with liberty to ask for more out of that sum if circumstances showed that a larger sum was required. Now the present Bill makes it compulsory upon the Corporation to pay the full proceeds of the 2 per cent., and in considering this provision, it is to be borne in mind that 2 per cent. no longer

means Rs. 5,00,000 of the rate-payers' money, but it means $9\frac{1}{2}$ lakhs. Even so, the Corporation would have been willing to give to the Trust as much as $9\frac{1}{2}$ lakhs as its operations required. The present Bill dowers the younger sister in so far that the Corporation has to pay the full amount without any limitation or consideration. I submit that really speaking this is placing very much larger resources in the hands of the Improvement Trust than was intended even in the original Act and would be considered inequitable and unjust even under the present circumstances.

Then Your Excellency will see that after a very careful consideration a provision was inserted in the original Act under which a certain distribution of profits took place at the end of every year. In the past the Trust had to pay something like Rs. 16 lakhs a year by way of distribution of profits, but that is now taken away from the Corporation and is left entirely to the Trust. I must mention in this connection that against that the Corporation was bound to pay to the Trust on a certain calculation a certain amount of money for the difference in rates and taxes. But I may point out to the Council that the annual amount payable by the Corporation to the Trust up to the present has come to about Rs. 2 lakhs, while the Corporation's share in the distribution of the Trust's profits amounts to about Rs. $4\frac{1}{2}$ lakhs a year. Under the Bill therefore the Trust now permanently gains the difference. But further the Bill deals with the Corporation unequally for last year's payments in this respect. Now, the Honourable Member in charge of the Bill said that this Bill deals fairly with the Corporation with regard to this payment. My honourable friend will permit me to say that so far from dealing fairly with the Corporation it deprives it of a sum of something like $2\frac{1}{2}$ lakhs which is already due to it from the Improvement Trust under the present Act. As matters stand at present, legally speaking, the Board is bound to pay to the Bombay Corporation a sum of over Rs. 2 lakhs being the difference between the share of the Corporation in the profits of the Trust for last year which comes to about 4 lakhs and the sum calculated under section 73 which amounts to Rs. $1\frac{1}{2}$ lakhs. Now, why should the Trust be practically allowed to retain these two lakhs of rupees when the Bill is to come into operation after the expiry of this year? The Honourable Member in charge of the Bill says that we may take it that the Bill was passed in November 1911. But why should we do that? We should take things as they are. The Corporation is entitled to get everything that was due to it for last year. Thus Your Excellency will see that the youngest ~~born~~ sister is dowered with Rs. 2 lakhs and the elder sister goes to the wall.

Now, I submit that the powers of the Improvement Trust are very much enlarged as against the Corporation. Take, for instance, the case of official representations with regard to improvement schemes. Under the existing Act careful provisions were drawn up for the purpose of enabling the Municipal Commissioner and the Municipal Corporation, who are the persons most intimately acquainted with the sanitary conditions of the city, to require of the Improvement Trust to take up schemes which were sent to it, provided that the representation of the insanitary condition was correct and provided that the resources of the Board permitted it to do so. These two limitations provided all the necessary conditions which would be required for the purpose of safe-guarding the Trust from embarking on ill-considered or extravagant schemes. But what is proposed to be done now? Practically the Improvement Trust can refuse to adopt any improvement scheme which would have been sent up to it under the old provision of the existing Act.

The present Bill gives a right of appeal to the Corporation to Government. Now, Your Excellency, I wish to speak with all respect of the functions of Government, but I may be permitted to say unhesitatingly that the right of appeal to Government is not a right which in this case is worth anything at all. When the Bill for the present Act was brought into this Council in 1898, I then ventured to point out that if the provisions of the Act were strictly carried out, it would be very easy to reduce the Improvement Trust to a Department of Government. At that time in the course of the debate that took place, the position taken up by Government was that it was not calculated to put the Improvement Trust entirely under Government. But subsequently Government have taken up a far more—I will not say grasping—but a far more comprehensive position. It is now advanced that it was intended from the very beginning that the operations of the Trust should be mainly guided and controlled by Government. Now, Your Excellency, if that is the position which Government take up in this matter, Government are practically identifying themselves with the Improvement Trust, and that being so what is the use of granting to the Corporation a right of appeal to Government against the Improvement Trust which is absolutely and really under the guidance and control of Government. I do not for a moment mean to insinuate that the Government would not exercise their judgment in the matter in the most conscientious manner possible. All that I allege is that taking human nature as it is, it is difficult to avoid a certain bias in favour of a body which is absolutely under its control against a body which is not in that position. I may put it again, reverting to the illustration I have used, that it would be very difficult for a parent to entertain an appeal against the youngest sister brought by the elder sister who is not so much in favour. But, Your Excellency, I must confess in stating all this to the Council I am stating what is practically of very little value. Taking the whole history of the operations of the Improvement Trust since it was founded, what has the Board done? It has undertaken scarcely two or three improvement schemes. The first improvement scheme which it undertook was the small Nagpada scheme. It was a great success and it would have been of great use to the Trust to have followed the successful example and taken up other schemes of that character to improve the sanitary condition of the City. Unfortunately, the Act was so worded that it could set aside all the limitations provided in the Act by calling what is really an improvement scheme a street scheme. A large majority of the ambitious schemes undertaken by the Board have been called street schemes and it has thus got rid of the limitations which the Act had imposed upon it in undertaking improvement schemes. The Corporation has pointed out to it from time to time that the great necessity of this City was not ambitious street schemes but the taking up bit by bit the improvement of small areas which were in the most insanitary condition.

Your Excellency will pardon me for taking exception to the carping language in which the Honourable Member in charge of the Bill made a remark in his speech at the first reading of the Bill that the Corporation looked upon the Improvement Trust with jealousy, and constant wrangling was going on between the two bodies. The facts are entirely different. To do justice to the Corporation it must be said that the Corporation always welcomed the proposal to create the Improvement Trust, but as its operations proceeded the Corporation found that the Trust was going along lines which ultimately would not result to the sanitary improvement of the City, and it therefore ventured

from time to time not in a spirit of jealousy and antagonism, but in a spirit of wise co-operation and help, to point out that it should not proceed in that way, but should take up small areas which required to be most urgently improved. It was watchfully admitted that for the purpose of improving the City in that manner, the very first measure which the Improvement Trust would be wise in adopting was to obtain a sanitary survey of the City, for without a full knowledge of the sanitary condition of the worst parts of the main portion of the City it was impossible to judge in what way improvements could be best undertaken. The Corporation pointed out this to the Board and even went up to Government and represented to them that it was most desirable and essential to have such a survey undertaken. But as has been nearly always the case our representations were unheeded. At the present moment we find the Chairman of the Improvement Trust admitting that the schemes of the Board were expensive and ambitious, that the resources of the Trust were not sufficient to meet the expenditure and that it is necessary to find out other means whereby a large portion of the City which remains in its old insanitary condition can be improved. Therefore the remarks which I made on the last occasion were made for the purpose of showing that whatever provision you may put in the Act with regard to the improvement schemes would be absolutely of a nugatory character until you restrain the absolute power vested in the Improvement Trust to undertake street schemes. When I come to the deferred street schemes I will point out the great danger which lies in the way of giving absolute powers to the Improvement Trust,—a danger which the Honourable Member in charge of the Bill has not sufficiently realized. Of course, these powers will be exercised subject to the control of Government, yet, the Corporation will have no voice in the matter except that it will have the right of making representation, a representation which I do not think the Improvement Trust has ever heeded. Having endowed the Trust with larger financial resources, though I am strongly tempted, I resist the temptation and will not refer to the point which I have been trying to make out, that if the Corporation was asked to co-operate in endowing the Trust with larger resources it was in equity and justice entitled to a larger share in controlling and guiding the operations of the Board. However, as Your Excellency ruled my amendment out of order I don't feel justified in entering into a detailed examination of that question. But the Honourable Member in charge of the Bill will permit me to point out that he was not correct when he charged me in his reply with not having shown that the Trust had conducted its operations in such a manner as to render the amendment of this section necessary. I will quote the words of my honourable friend. He says—"But apart from this, on the merits of the question, it seems to me of importance to note that it is not urged that a larger representation is wanted because in its history of 8 or 10 years the Trust has failed to carry out any of the objects for which it was constituted or that the administration of the Trust is not carried out satisfactorily or that it has been so mismanaged and misadministered that it is not well adapted to efficiently carry out the original object with which it was constituted. Nothing like that has been pointed out."

I was very much surprised that my honourable friend should have made those remarks in his speech. I must say that though I felt most restrained in consequence of Your Excellency's ruling on that occasion, I still placed before the Council the circumstances upon which I argued that the Trust had failed in carrying out satisfactorily the functions which had been entrusted to it, and the main points of its unsatisfactory work I summed

up by saying that the Trust had, without the full consideration which a subject of that kind required, embarked upon ambitious and expensive schemes which were rendered the more objectionable by reason of its having failed to provide accommodation for the poorer classes of people who were displaced thereby. That is admitted even by the warmest advocate of the Improvement Trust. It failed in that duty and the result was that other parts of the City became overcrowded and the insanitary conditions of those parts became worse than before. If, as my honourable friend thinks, I had not urged that the Board had failed in satisfactorily discharging its duties, he would have been justified in saying what he said. I venture to submit that I could not have placed before the Council my case in a clearer language than I did to show that the Board of the Improvement Trust had not proved itself competent to carry out the duties entrusted to it. I said at the time that I felt myself precluded from going into the detailed examination of that point because of Your Excellency's ruling. But notwithstanding that I took up the position that the Board had failed to perform its duties in the way in which it ought to have performed and that now that the Government are thinking of endowing it with more resources it should be placed in such a position that the grave mistakes which it had committed in the past may not be repeated in the future.

Your Excellency will permit me in this connection to make one remark that all throughout that debate it was tried to make out that certain principles had been fixed upon and it was not possible to go back upon them. Now, when that contention is put forward I venture to ask the members of the Council to remember the circumstances under which the original Act was introduced in this Council. It was a time when Government, the City and the Corporation were in a state of unrestrained panic in consequence of the ravages of plague, and everybody cried out reasonably or unreasonably that something should be done for the purpose of—what was then a favourite phrase—stamping out plague from the City. There was no time therefore to go into a full or careful consideration of the measure that was proposed. Everybody thought that it was the bounden duty of the State to do something for the object which they had all at heart. Therefore, it is that the present Improvement Trust Act is full of serious and grave defects. Nobody studied the measure too minutely for examining the principles. It was meant to allay the panic. And when these were the conditions under which the Improvement Trust Act of 1898 was passed it is rather hard that people should be now told when they ask for amendment that those principles were laid down carefully and deliberately and therefore should not be altered. Those who then spoke in this Council on behalf of the City and the Corporation recognised that the Act which was being passed in such haste and panic, could not well be considered carefully and deliberately in every detail and in every essential principles at a time when the pressure upon every one's judgment and discretion was so very great. However, it is not for me to say anything more upon this subject. Your Excellency's ruling has put me out of court and I bow to your decision so far as my amendment is concerned.

But even taking the Bill as it now stands, apart from the amendments which the Corporation has suggested, I think the essential provisions of it are open to very grave objection. I will not refer to minor points, but I will take up the two provisions of the amended Bill as settled by the Select Committee to which special reference in regard to myself has been made by the Honourable Member in charge of it and which has been

supported by a series of wonderful arguments by my honourable friend Mr. FAZULBHOY. I ventured to characterize those provisions which relate to the poorer classes as ostentatious makeshifts. I have heard the Honourable Member in charge of the Bill denounce me for using that phrase, for he says he cannot understand the state of mind in which I brought myself to use that phrase. But he will pardon me if I tell him that I am quite impenitent on that point and that I still maintain that these clauses are makeshifts to cover the failure of the Improvement Trust to do what it was bound to do under the Act and which it now finds itself unable to do. It has been admitted that for a long time when the Board was going through the two large schemes, the Princess Street scheme and the Sandhurst Road scheme, it took no measures for providing accommodation for the poorer classes of people who were displaced. It is true that later on it woke up when the Municipal Corporation and its late lamented Commissioner Mr. Harvey pointed out to it that the state of things had been becoming worse than before because of the overcrowding occasioned by its large schemes without such provision. I will ask, even up to now, what is the sum which the Improvement Trust has thought itself justified and competent to spend on this important measure? The chawls built by them for poorer classes have not cost more than Rs. 15 lakhs. At the time when this Bill was laid before the Council a calculation was made that the Improvement Trust should spend Rs. 75 lakhs for this purpose. But I venture to maintain that it is impossible for the trust to find money for this, considering the way in which it is proceeding with its other larger street schemes. My honourable friend, if I heard him aright, said that with the finances at its disposal the Improvement Trust should have built a larger number of chawls for this purpose. I confess that from such knowledge that I possess of the finances of the Board, I can say that it was scarcely possible for it to spend money on the chawls in the manner presumed by the Honourable Member in charge of the Bill. In fact, it has no money after undertaking the Sandhurst Road Crawford Market Scheme—which is a jaw-breaking name. This scheme will absorb not only the grant of Rs. 50 lakhs which is Government of India's gift to the Improvement Trust and to which it was in fairness entitled not for any special work but in consequence of the difference in the amounts which Government and the Corporation thought of placing at the disposal of the Improvement Trust under the original arrangement, but also another sum of Rs. 16 lakhs which the Chairman of the Improvement Trust said would be saved from the different undertakings. In fact, all available money in the hands of the Improvement Trust would be absorbed in this one street scheme and there would be absolutely nothing left for taking up any scheme for providing accommodation for the poorer classes. And that is why I call the present measure a makeshift. My honourable friend Mr. FAZULBHOY said some hard things about me. He dubbed me champion of humanity. I am glad he has dubbed me champion of humanity, but he was surprised that I should not have come forward in the cause of the poorer classes of Bombay. My honourable friend forgets that my position is this. I go against these provisions because I really and honestly believe that they will not serve the objects for which they are introduced. It is all very well to say that there are employers of labour such as mill-owners who are ready to come forward and to take up loans under the provisions of this Bill. Now, I also have some experience of the various classes of people in the City of Bombay, and I venture to say—though it is not safe to be a prophet—that not more than three or four people will come forward to avail

themselves of the provisions of this Bill. How is it that some of those mill-owners, who draw large commissions from their mills, have never come forward yet to do this? So also employers of labour in many parts of the world have never come forward to provide accommodation for the people whom they employ. I should like to know if my honourable friend Mr. FAZULBHOY, who is connected with the mill industry for some years past, has ever entertained a proposal of this character at all. I know of one instance in which so far as the City of Bombay is concerned an attempt was made to build chawls for the labourers employed at the mill—I mean the Morarjee Goculdas Mills in Bombay. But the agents and owners of these mills distinctly said that they proved an utter failure; that it was not possible for them to get people to occupy them, and that therefore a considerable portion of the money which they had employed for the purpose was really thrown away. But leaving that alone, will they come forward now that this right hand of co-operation is offered to them by the Improvement Trust? I say that not more than three or four will come forward, not even so many as that. The reasons are very clear to me and to all reasonable men who have anything to do with this matter. I was surprised to hear my honourable friend Mr. FAZULBHOY say that I had offered gratuitous insult to the employers of labour in the City of Bombay. Surely, my honourable friend does not mean to convey that all employers of labour—mill-owners and mill-agents—are patterns of honesty and propriety and not one of them deviates from the right path of duty and does anything which is objectionable. If he thinks so, I am sure the days of millenium have come over this world. But how can a man acquainted with the mill-owners say that they are all honest and that it is a gratuitous insult to say that some of them are not of the same pattern? Of course, I will not go into personalities in matters of this character, but I hope anyone who is acquainted with—I was going to say patterns of morality—with patent facts with regard to these matters can state that there are good men and bad men among them as among all classes of people.

When we look to the provisions of the Bill, what do we find? I will refer to one or two clauses. Take it that hands have been joined by the Improvement Trust and the employers of labour to build houses for the accommodation of labourers. How is it to be satisfactorily arranged that the mill-owners will only allow their own labourers to reside in them? What is the guarantee that the people employed in those mills only will live in them? As a matter of fact, perhaps the labourers themselves would object to go into such chawls. Sometimes a labourer is alone; more often than not he has relations and friends. Are they to be allowed to go and live there? and if they are not allowed to go in, who is to take the place of such labourers? It may be said that in that case you may put in a man of any poorer class. But then, who is to judge of that? Is the millowner to judge who is to go in and who should be turned out? What is the provision as to the rent to be charged? That we find in section 32 H. [Reads.] Now, there is nothing in the Act to show to the Board how is it to fix the maximum rent. The Board may fairly think the maximum rent to be 4 per cent. That can be arranged in consultation with the Board. But where is the guarantee that the maximum rent fixed at such low percentage as 4 per cent. would not be a far greater burden to the labourer than he is now able to pay? How is he to be able to pay a larger amount than circumstances have hitherto permitted him to pay? It must be remembered that the experiments of the Board have shown that it is impossible for its own chawls to be filled unless it runs them in such a way as to pay less. I think in settling the

matter of this kind it is necessary that the employers and their men should come to an understanding as to what rent should be fixed so that the men might willingly go and reside in such chawls. To my mind it is utterly impossible to fix these rents without regard to the economic circumstances which surround the labourers, for it is quite patent that if the men cannot pay 4 per cent. you cannot get them to go and live in such chawls. Then, again, 4 per cent. having been fixed as maximum rent, how are you going to prevent employers and labourers from coming to some understanding by which the labourers would have to pay more than the maximum rent. These things, I say, make one come to the conclusion that it is all very well to put these clauses in the Bill and to speak about them in the manner in which my honourable friend Mr. FAZULBHOY has spoken. In carrying them out in practice, the difficulties in the way would be almost insuperable. Then, I think, my honourable friend Mr. MANMOHANDAS is perfectly right in saying, whether the rate of interest is low or high, the provisions of such a cumbrous character involve such obnoxious conditions that it is hardly possible that people would be induced to come forward to avail themselves of the loan, one among other reasons being that they can obtain loan themselves for building at a much cheaper rate than what this Bill offers them. Therefore, Your Excellency, I maintain what I have stated in my minute of dissent that though these provisions look well on paper, they are of a character which in practice will utterly break down.

Then I come to the next important question to which reference has been made by the Honourable Member in charge of the Bill. That is the "Deferred Street Schemes." Now, I ventured to say with all deference that these proposals are misconceived and I still maintain that they are. Under the Municipal Act the Commissioner has the power of taking set-backs that come within the lines fixed by the Corporation and the Commissioner whenever a house is to be built on vacant land or is reconstructed in a certain way. These lines are laid down with due regard to the practical requirements of the people inhabiting the locality concerned and when the time comes for the owner to build his house or repair it in such a manner as would involve reconstruction of a large portion of it, a set-back is required when he sends in plans for that purpose. Now, what would the Deferred Street Scheme be? Is it to be of the same character as a set-back or is it to be a larger set-back than was required under the Municipal Act? I am told it is intended that this provision should not be applied to existing crowded parts of the City. I think it was Mr. Orr who pointed out that it was intended to use it for acquiring open land in such parts of the town as Parel where land is at present being built upon. Now, as is the fault of all large legislations—I was going to use the word official legislation—for the purpose of meeting one specific case—one extreme case—a provision is so framed as to include a large number of inapplicable cases. If it is meant to include only particular localities under particular conditions, that is on vacant pieces of land, it is not difficult to frame legislation for that purpose. But you are drafting in the Bill provisions which include crowded parts of the City. Now, I ask if you attempt to include those parts of the City what would be the result? The power is given to the owner to give 6 months' notice in which the Board must acquire the land. Now, conceive a street in which lines are drawn involving the taking up of a number of houses and the Board intend to take them at a very much later date. But under the

power given to the owner by the legislature he makes a representation and applies to the Trust to take his house within 6 months. So when the owner calls upon the Trust to take it, and the Board takes it up as it is bound to do, what is to be done with the intervening buildings? There would be gaps here and gaps there on both sides of the road. Any one acquainted with the rules and conditions under which set-backs are carried out in the City, knows that the great difficulty that the Corporation has found in this respect is that it is sometimes obliged to take up buildings within the required line of the street, with the result that gaps are created which give rise to insanitation and become a source of nuisance to the neighbouring houses. Again, if house-owners living in a street in which a deferred street scheme is to be put into operation can under this clause combine and force the hands of the Trust and oblige it to take up more houses than it ever intends to do, how is this difficulty to be met with? I have never heard anything about that.

Your Excellency will pardon me for saying that I should have liked to have had an opportunity of discussing these matters in the Select Committee. I do not wish to speak of the circumstances under which I was prevented from taking part in the full deliberations of the Select Committee. They are before every member of this Council and I do not want to go into any details or express my views about the treatment which I received. But I cannot help being grieved that I was precluded from laying my views before the Select Committee. If I had had an opportunity of putting forward my ideas, particularly in regard to this part of the deferred street schemes, I would have succeeded in showing the difficulty that lies in the way in which it is intended to work these provisions. I cannot help thinking that in actual working they will be found practically impracticable if they are to be introduced in those parts of the City which are of the sort as described by Mr. Orr, namely, large pieces of vacant land in Parel. But I, from my long experience, say that though the Legislature puts a provision in the Act which deals with such portions only, it is so worded that it becomes very comprehensive and a time would come when it would be alleged that as the Legislature has given such powers, they should be exercised according to the views of the people who dealt with it at that time in the matter.

Your Excellency, I don't propose to deal with some of the minor points in the Bill. For example, I do not mean to say very much about the provision suggested by my honourable friend Sir IBRAHIM with regard to remuneration of the Chairman of the Improvement Trust. I think the suggestion which he has made is one which might very well have been accepted by the Select Committee. I think, following the precedent of the Municipal Act, the Trust should be put on the same footing in respect of payment of salary to its Chairman as the Municipal Corporation is in regard to the salary of the Municipal Commissioner, that is to say, a maximum and a minimum salary should be provided, at the same time leaving a large margin of discretion to Government in fixing the amount.

There is only one other point to which I wish to refer and that is with regard to the Tribunal of Appeal. My honourable friend has said that the same circumstances under which this Act was enacted still exist. I venture to say that it is not so. Since the Act has come into operation, a large number of cases has been decided; certain principles have been laid down; and people have become acquainted with the way in which compensation can be recovered. It seems to me the fair and reasonable course

now is to leave them to the regular operations of the Land Acquisition Act which would have been the course adopted but for the special provision in the Improvement Trust Act. To my mind the High Court would be able to deal as expeditiously with the cases which might be taken up by them as the Tribunal of Appeal and I think that in a short time the procedure of the High Court would be more expeditious than now. As soon as the first few cases were decided the principles would be established and every person will know what would be the principles by which his case will be governed. Your Excellency will permit me to point out that the dissatisfaction that already exists with regard to the awards of the Tribunal of Appeal will cease to exist if the High Court is appointed to be the Tribunal to hear these cases. Its decisions will command more respect from the people than those of the Tribunal of Appeal. I have to make another suggestion with regard to the way of settling compensation. If this Council thinks and if the Select Committee thought that the Tribunal of Appeal should not be done away with, I certainly think that what is now a matter of discretion of the Judge should be a matter of right to the person who is aggrieved. I think also when the amount involved is Rs. 5,000 or upward he should not be left to the mercy of the Tribunal of Appeal, but should have a right of appeal to the High Court. At present that is not so and I venture to suggest that both justice and fair play require that the party aggrieved should have a right of appeal to the High Court. However, I have not, as Your Excellency will observe, put forward any amendments on this occasion. I am so obfuscated by the arguments that have been put forward against my amendment that such a thing would delay matters and would have to be placed before Government of India, that I do not know what proposal I should bring forward. It seems to me to be a hopeless task under those circumstances where we have to be entirely bound down without the interested parties being heard until it is further referred back to the chief authorities. It is a waste of time of the Council to place amendments before it which are sure to be voted down. My experience is that we unfortunate people—the elected representatives in this Council—have never been able to carry any proposition unless it is accepted by Government. The opinion of Government on these various points have been so distinctly made and emphatically pronounced that I have considered it useless to put forward amendments, which, I think, would have scarcely a chance—I might say—would have no chance of success. It is for these reasons that I have felt so hampered at what has happened that it is not possible with any amount of self-satisfaction to bring forward proposals of an amending character. I confess, Your Excellency, that I am so deeply discouraged by the treatment which my amendment received on the first occasion that I have not the heart to put forward any further amendment which may or may not meet the same fate. I will not take up the time of the Council by offering remarks on minor points. But in concluding I will only say that my consolation is that there are some amendments in the Bill which will have very little practical operation. I am very doubtful whether the deferred street schemes or the proposals for the housing of the poorer classes will have an extended working and therefore although they exist in the legislature, I will hope that the City would not have to incur any serious burden in respect of them.

The Honourable Mr. W. C. SYMES said:—Your Excellency,—My honourable friend Sir PHEROZESHAH MEHTA just before the luncheon interval concluded a somewhat lengthy speech regarding the Improvement Trust Bill, which is now before

the Council, and his criticisms were more in regard to the composition of the Board and to the competency of the Board than to the Bill itself. As a member of the Improvement Trust Board at the present time, I should like to make a few remarks. It was somewhat a difficult matter for me to follow my honourable and learned friend's remarks. His argument at the outset was that he was not actuated by motives of jealousy or envy, but he was moved with a desire to co-operate and help in matters in connection with the Improvement Trust. I did not gather this from his speech. Amongst other things he stated that the Board was incompetent, that it failed in performing its duties, and that the time had arrived, when the composition of the Board should be reconsidered. At the present time, Your Excellency, there are eight members of the Bombay Corporation, represented on the Improvement Trust Board. Four, as you are aware, are appointed by the Corporation and the others are elected by other agencies, and I do not think my honourable friend can say that the Corporation is not adequately represented on the Improvement Trust Board. He went on to say that nothing had been done for the housing of the poorer classes, but I would like to inform Your Excellency's Council that no less a sum than 39 lakhs of rupees has been paid out for that particular purpose. The Honourable Sir PHEROZESHAH MEHTA referred to the impracticable scheme, which the Improvement Trust had put forward with regard to the housing of the poorer classes in Bombay, but I would ask Your Excellency whether all schemes for the housing of the working classes in Bombay are to be considered to be impracticable. The Port Trust has found it absolutely necessary to provide housing accommodation for its employees, and I am quite sure that if the Mills desire regular hands they must be equally enterprising in providing housing accommodation for their hands. I was pleased that the Honourable Sir PHEROZESHAH MEHTA admitted that the Improvement Trust had put through one good scheme, and all the rest of the schemes he termed as ordinary street schemes. I think any one, who has been any time at all in Bombay, will admit that Bombay has gone ahead enormously in the last ten or twelve years, and that in a great measure we are indebted for this to the enterprise of the Improvement Trust Board.

The Honourable Mr. R. J. KENT said:—Your Excellency,—The Honourable Sir PHEROZESHAH MEHTA certainly filled his rôle as "advocatus diaboli" to perfection, but I think if he had tempered his criticism with a little of the leaven of kindly appreciation, his remarks might have been more sympathetically received. In his lengthy minute of dissent on the Bill he has touched upon a variety of matters and on most of the important sections of the Bill. Coming to those points in the order in which he dealt with them, he first dilated upon the financial relations of the Trust and the Municipality. Well, without going into those matters in detail, let us for a moment consider the actual facts with regard to Trust finance. It may be interesting to note that up to date, from the existence of the Trust, the net contribution of the Municipality to the Board has been just 40 lakhs of rupees. Well, 40 lakhs of rupees represents roughly about one per cent. on the total aggregate revenue of the Municipality of Bombay during the last ten years. Up to date I believe the loans of the Bombay Improvement Trust are something like 4½ crores of rupees, and when you compare that with the 40 lakhs contribution from the Municipality, it shows a very considerable disparity in figures. If we consider what the public and Municipality of Bombay have received for their

40 lakhs of rupees, I think every fair-minded man will say they have received uncommon good value for their money.

The next point the Honourable Sir PHEROZESHAH MEHTA touched upon was the Trust's housing schemes: the provision contained in the new Bill for co-operation between employers of labour and the Board. Well, this question of the provision of accommodation for the working classes is one which presents tremendous difficulties and complexities. I suppose in every town of any size in Europe and America it has been tackled at one time or another, and been tackled not always successfully; and I do not suppose any solution has received universal approval. There are two schools of thought in this matter. There are those who contend that it is a mistake for the city or for the Municipality to finance such schemes out of public funds on the ground that such arrangements are equivalent to the subvention of employers and that they strike a blow at private enterprise. I think there is a good deal to be said for that view. Then again there is the other school of thought—those who contend, as many amongst the public of Bombay do, that it is the duty of the Trust, or of the public body, whoever it may be, to spend largely in the direction of financing schemes for the poorer classes. Not so very long ago in Bombay a well-known public man said that the Trust should provide accommodation for 300,000 of the working classes. Well, as a matter of fact, the Honourable Mr. SYMES has just told us that the expenditure on chawls—those buildings for the working classes—by the Trust has been something like between 39 and 40 lakhs of rupees, and the annual loss to the Trust in Sinking Fund and Interest is roughly Rs. 40,000. It is a simple sum in arithmetic to compute the effect of putting into force the suggestion made by the gentleman just mentioned. It would mean a recurring charge to the Trust of something like 8 lakhs of rupees, which would swallow up the whole of the Municipal contribution. The Municipal contribution in Calcutta is on the same basis as our own—two per cent. on all lands and buildings in the city—and is supposed to yield a sum of something over 8 lakhs of rupees, but of course we know Calcutta has other resources than the two per cent. There is the excise duty on jute and also the export duty, and besides that there is a terminal tax and other taxes which will bring in very large sums annually for the carrying out of important improvement schemes.

The provision in the Bill for co-operation between the employers of labour and the Trust is an attempt to, in some measure, distribute the burden of responsibility. Although the Trust are not burdened with any of the cost permanently, yet they put certain facilities in the way of these schemes being carried out. They advance money at an easy rate of interest and in addition to that they offer facilities for obtaining land and placing it at the disposal of the builders on probably easier terms than employers of labour would be otherwise able to get it.

It is true some of the provisions in this Bill are somewhat complicated, and I am inclined to sympathise with the Honourable Sir PHEROZESHAH MEHTA when he says that some of them may be very difficult to work; but it is a mistake to pour cold water on the scheme on that account. An honest attempt has been made to deal with the problem which has been received with approval by many of the millowners in Bombay, and it should be given a fair trial. If it does not succeed then we must look about for other measures for the relief of these classes. I think if the Honourable Sir PHEROZESHAH

MEHTA had been less destructive and more constructive, and had made suggestions to the Board as to how the housing of the poorer classes could be provided for, the Board would listen to him with the very greatest deference and respect.

The next point referred to by the Honourable Sir PHEROZESHAH MEHTA was the ambitious schemes of the Board. What are the ambitious schemes of the Board? I can only think that Sir PHEROZESHAH has in his mind the scheme only recently sanctioned—I refer to the scheme from the Crawford Market to Sandhurst Road.

The Honourable Sir PHEROZESHAH M. MEHTA:—I spoke of the older ambitious schemes.

The Honourable Mr. R. J. KENT:—Well, what are the older ambitious schemes? Some of the schemes we have executed include the Princess Street scheme. That it is a very important scheme, traversing a locality notoriously one of the worst in Bombay, and I think it is generally admitted that it has been a very great success. There is another scheme of importance not very far off. I refer, as the Honourable Sir PHEROZESHAH MEHTA referred, to the Nágpáda scheme. This very important scheme, as the Honourable Sir PHEROZESHAH MEHTA has pointed out, was the first to be taken in hand by the Board, and the Mándvi-Koliwáda scheme, yet another important scheme, is of the same character. As regards the scheme recently sanctioned by Government, I regard it as being of the very greatest importance. I am sure if I could go back 14 years with the experience I possess to-day of the working of the Trust and the conditions of life and property in the city and had to put forward a programme of work for the consideration of the Board I know perfectly well which scheme I should put first in order of urgency. I should put forward that scheme which has now been sanctioned—I refer to the Eastern Avenue scheme, right through the heart of the city from Crawford Market to Sion—in combination with those great schemes we have now in hand in the north of the island—for the housing of the clerk class generally and the moderately well-to-do classes.

It may be interesting to note that during the last five or five and a half years, the cost of executing the work in connection with the Abdul Rehman scheme, which is really the alternative of the scheme which has been sanctioned by Government, has gone up by no less than 90 lakhs of rupees. That is only a short portion—less than a mile in length. If the whole of the Eastern Avenue be considered I am convinced that the Board would have saved more than a million pounds sterling. The Board is always being abused for its sins of omission and commission, but where the great mistake has been made is not that the schemes which we have carried out have been wrong in themselves—I think even the Honourable Sir PHEROZESHAH will admit that most of them have been carried out on sound lines, providing for wide roads and sanitary buildings—but that the works have been carried out in the wrong order in some cases. And if the Bombay Municipality had their own way they would continue to be carried out in the wrong order, and the Eastern Avenue scheme would be deferred indefinitely—probably for ever.

If the map of Bombay is studied carefully, the road systems are really very simple to follow. There is a great scarcity of cross communication north of a certain line, north, in fact, of that important scheme finished two or three years ago—the Sandhurst Road scheme. As regards north and south communications we have practically no road except Parel Road and Frere Road of any importance, but the most important

scheme of communication in the whole of the island is the Eastern Avenue scheme which will be the backbone of the road systems of the island. It is no good looking forward ten years and making that road 100 feet wide; we should make it at least 120 feet wide, so that it will be adequate for the requirements of the next 100 years.

The Honourable Sir PHEROZESHAH MEHTA dealt with another important point. I consider it, if not the most important, at any rate, one of the most important matters in the whole Bill. It is the Deferred Street Scheme. Admittedly the set-back section of the Municipal Act is very defective, slow in operation, and generally unsatisfactory. In the Bill, as originally drafted at the first reading, provision was made for introducing merely the set-back sections of the Municipal Act, but this is a slow and unsatisfactory process and it is necessary to search for some means by which these set-backs can be taken up as funds become available without having to acquire forthwith, as we have to do in the case of ordinary street schemes. The provisions of that Deferred Street scheme were, I think, mainly due to the genius of the Honourable Mr. ORR. They are very cleverly conceived, these provisions, and I think in them we shall have a powerful lever for acquiring set-backs quickly and, on the whole, economically. The Honourable Sir PHEROZESHAH MEHTA said they were misconceived. He contended that they would result in a number of gaps being left in the street line in much the same way as is the case in the ordinary set-back system under the Municipal Act. Of course, that is the objection to the Municipal system, which the Deferred Street scheme is designed to remedy. The Municipal Commissioner has no power to lay down a set-back until a house either tumbles down or is pulled down, and it is possible to evade the Municipal bye-laws in such a way that it is possible to keep a house standing on its legs for ever. The Honourable Sir PHEROZESHAH MEHTA thought such would be the case under this Deferred Scheme, and that there would be gaps, but there will be nothing of the sort. If we have to acquire property and it is not convenient for the time being to demolish buildings, the Board would certainly not pull the property down: it would be allowed to stand, and the Board would merely collect the rents of it. The object of the Deferred Scheme is to prevent the property being taken up in such a way as to leave gaps. The idea is that as funds become available a certain sum should be set aside each year—five or ten lakhs or whatever sum is available for the purpose—and that a short length of road should be taken up, perhaps a quarter, half, or three-quarters of a mile, so that whatever length is acquired, a continuous, straight improvement would be secured. I regard the section as very valuable to the Board. It was open to Sir PHEROZESHAH to move that it should be only applicable to areas at Parel, where there are large open spaces. He could have done so, but I think it would have been a mistake to allow any such amendment to go through. As a matter of fact, in practice I think, this section will be applied to such areas, open as a rule and not to the congested parts of the city, and I suggest that it would be particularly valuable in the new scheme for the widening of the Parel Road, in fact, the Eastern Avenue scheme from Sandhurst Road to Lal Bagh, near Government House, Parel.

The Honourable Mr. SYMES touched upon the matter of the constitution of the Board, although that is not under consideration at all. It seems to me the only fault, which a good many people have to find with the constitution of the Board, is that it is unduly large. In the Calcutta Trust the Board is limited to seven members, and the reason

for limiting it to seven members is stated in the Statement of Objects and Reasons of the Calcutta Trust Act, which I may be permitted with Your Excellency's permission to read out:—

“The Board shall consist of seven Trustees; the corresponding Board in Bombay comprises 14 members. The latter number is considered unnecessarily large. It is desirable that the decisions of the Trust should be safe from premature disclosure, their action prompt and their policy continuous; and these objects can best be secured by a small body. Its functions, moreover, will be executive, rather than deliberative. It is believed that a small body will ensure greater efficiency, while its numbers are sufficient to permit of the representation of the more important elements interested in its work. Under Clause 20 of the Bill the Board will be able to co-opt, in an advisory capacity, any persons whose assistance may be desired in connection with any particular schemes, and the special representation of particular interests can thus be secured in special cases, and further expert opinion obtained when necessary.”

In concluding my remarks I should like to say I think this Bill is merely the prelude, the fore-runner, of another Bill of vastly greater importance. I think before many years are passed there will have to be a Bill embodying a great many of the provisions of the English Housing of the Working Classes Act, and, I think, when that Bill is passed and when we have a Town Planning Act in Bombay and when the Municipal Regulations are thoroughly and drastically remodelled, then we shall be armed with sufficiently powerful machinery to carry out those great works which lie before the Trust.

The Honourable Sardar Davar K. E. Modi said :—Your Excellency,—Although I am not quite acquainted with the Bombay Municipal Corporation, I believe the necessity for creating the Improvement Trust was admitted on all sides on account of the emergency that arose. The City of Bombay required a great deal of harmonizing. It was felt that the unwieldy Corporation in view of the squabbles and quarrels that characterized its proceedings would never be able to carry on the new work desired and therefore the creation of a separate body became necessary. The Improvement Trust may be a younger sister but the elder sister should not be jealous of the income of the younger sister considering that the elder sister gets the lion's share of the city's revenue. The younger sister is a spending department and is dependent on the elder sister for her funds, and it may be that she has been fleecing the elder sister. But after all it is a question of detail. I think, considering the relative position of the two bodies, it would have been well if the Improvement Trust had been styled Corporation No. 2. It is on that very account I believe that the number of the members of the Improvement Trust was limited, so that the work might be done more expeditiously. Now, the Bombay Corporation alleges it has not a sufficient representation upon the Improvement Trust Board and a couple of members more or less would not matter much, seeing that the nominees of the Bombay Corporation according to the assertions made in the Corporation have failed in their duty to carry out the ideas of the Corporation. I think a couple of members would not matter. But perhaps the suggestion of an outsider like myself may not carry much weight. It may be that some mistakes may have been committed, but that is no reason why the spending capacity of the Improvement Trust should be so limited as to cramp its operations in the way suggested. I think the roads that have been made by the Improvement Trust are the roads which the Trust thought

necessary to make for the sanitary improvement of the city, also perhaps with an eye to the future, and it is possible that if the construction of those roads had been postponed for a greater length of time it would have become a more costly business to pierce those roads and widen them than at present. So if the Improvement Trust has erred in that direction, it has not erred entirely wrongly. To my mind these roads have added to the beauty of Bombay the Beautiful. They have also served a very useful purpose and as time goes on it is acknowledged, they would as in every other part of the world, become the centres of civilized life. I am sure, if the financial resources of the Trust are increased, the schemes for providing sanitary dwellings for the poor and the set-back schemes will be duly considered by the Board. I feel sure that the set-backs will not be laid down thoughtlessly in view of the remarks made by the Honourable Sir PHEROZESHAH. It would be a lucky thing if it goes in for more expenditure of the kind, and, in my opinion, all the streets should be subjected to this process of set-back. It is no use crying over spilt milk as the money has been already spent—and I say it has been usefully spent so far. Taking a broad view of the whole matter I think the Improvement Trust should be furnished with more sinews of war. This Bill proposes to increase its resources seeing that the expanding revenue of Corporation No. 1 is such as to well afford to help Corporation No. 2. If the Corporation found that its representatives on the Board of the Improvement Trust had not done their duty and had not come up to their expectations it should have called upon them to explain and appointed more suitable members. Taking a very broad view of the whole matter it seems to me that it is merely a difference between Tweedledum and Tweedledee. I think the Improvement Trust can be trusted to spend public money conscientiously and to the best interests of the city. Apparently, seeing that it has got some extended powers the Corporation has got a little bit jealous and wants to have its finger in the pie too. I think we can safely leave all these matters about widening and piercing the roads and providing house accommodation for the working classes to the Improvement Trust to be done conscientiously and with care. If I have heard aright, I think, my honourable friend Mr. FAZULBOY said a short while ago that instead of three or four there will be twenty mill-owners coming forward to guarantee monetary assistance to the Trust in the matter of housing their hands.

The Honourable Mr. FAZULBOY CURRIMBOY:—I have never said that they have guaranteed the amount.

The Honourable Sardar Davar K. E. MODI:—No, of course, guarantee no body can, but what I was going to say was that if the figure 3 or 4 is a guess the figure 20 is equally a guess. But the suggestions we have heard and all the objections which my honourable friend Sir PHEROZESHAH has so lucidly and ably put forward for the benefit of the Council were, I believe, well considered in the Select Committee in his absence and the conclusions at which the Select Committee arrived were thus the result of due deliberation on every point. Those conclusions are sound enough and I hope the Council, in view of this information, will be inclined to adopt the report of the Select Committee. In all these objections I do not see anything else but a hankering after more power and a hankering after more money on the part of Corporation No. 1. I will conclude by hoping that this discussion on the amendment Bill will lead to the amendment of the ways of the Improvement Trust in the exercise of greater care in the use of public money.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency,—I entirely support the arguments advanced by my honourable friend Sir PHEROZESHAH MEHTA in favour of the re-constitution of the Trust. I think it is necessary that the constitution of the Board should be recast. Sir PHEROZESHAH has advanced arguments to show that the Trust has failed in carrying out its duty to some extent. The first and main duty for which the Improvement Trust was created was to render the City of Bombay sanitary. Now, let us see what the Improvement Trust has done up to now to render the City sanitary. In C ward we have got the Princess Street scheme. Now may I ask whether the rate of mortality in the ward has gone down in consequence of the Princess Street scheme? Then there is the Sandhurst Road scheme. Has that scheme reduced the mortality in the district? As Sir PHEROZESHAH has pointed out the improvement in Nágpada has been attended with good results but that is because the whole area was dealt with in a proper manner and the mortality in the district went down from 60 to 30 or 25 per mille. The Nágpada improvement scheme suggested the way in which improvement should be carried out in Bombay. Another purpose for which the Trust was created was to carry out schemes for the sanitary and cheap accommodation of the poor. When the scheme was taken in hand, it was expected that at least seventy-five lákhs of rupees would be spent on it. Now let us see how far that part of the work entrusted to the Trust has been fulfilled. We say that in its life of 13 or 14 years, it has succeeded in providing accommodation for about twelve thousand people and it may be that uptil now about fifteen thousand people would be provided with accommodation. Now what is the state of affairs in regard to the people for whom accommodation is required? The last census report is not available but according to the census of 1901 there were in the city about two lákhs of people living in different parts of the city in single rooms occupied by more than four persons. It was this class of people who required relief. Has the Trust given any relief to this deserving class of people with the exception of twelve or fifteen thousand people? Mr. KENT says that the loss to the Improvement Trust in providing this limited accommodation is Rs. 40,000 per annum. But it was essential that whether they made loss or not, they must help the people who earned low wages and therefore could not pay high rent. It was necessary to help them to live in sanitary quarters. Even if it involved losses, the Trust should have gone on improving the sanitary condition of the city. But no, they must be generous in supplying Bombay with fashionable buildings, they must look a hundred years and more ahead in providing big and costly thoroughfares. Mr. KENT wanted Sir PHEROZESHAH to lay down a constructive programme. I may suggest a constructive policy. We are told that many of the mill-owners were willing to avail themselves of the provisions in the Bill. How far they realize this new idea will be ascertained later on. Mr. FAZULBOY has told us that the mill-owners had to keep in stock the cotton supply to last them for as many as six months. If they invest large sums of money in storing up the cotton supply, why do they not make efforts to supply accommodation to the labourers which would involve only a trifling sum of money? Why are the public help and outside relief required? If the mill-owners were anxious to provide for the accommodation of their workmen, there was another remedy and it is this that the mill-owners should contribute at least two per cent towards the reduction of rents and it should be made compulsory in the Act to make it obligatory on them to provide at least one-third or one-half of their workmen with sanitary dwellings. If this is done, the whole Act would come into operation properly. But no, they don't want to do that. They want that

some public body must raise the money and come to their help. Unless you make some such enactment on the statute, the Bill will remain without any effect and its operation will come to naught. Now in support of the new thoroughfare that is proposed Mr. KENT has given us one instance that the cost of the acquirement of the Abdul Rehman Street had increased by 90 lakhs of rupees within the last few years. How is this figure of 90 lakhs of rupees arrived at? Does Mr. KENT mean to say that the price of land has gone up? The original cost of acquiring Abdul Rehman Street was estimated at 96 lakhs of rupees. Has the price of land gone up 100 per cent. in the locality? No, I don't think so. It is true the prices of land have gone up but to the extent of only 25 and not 100 or 150 per cent. as Mr. KENT asks us to believe. The rise is not due to a rise in the market value of the land but is chiefly due to correct figures for assessment being given by the people when they saw that the scheme was to be put into operation on their side. Hence the rise in value is merely a rise on paper. The rents in C Ward have gone up since the operations of the Trust began and the godown rents have also gone up considerably. Again I think it is due to the operations of the Trust in not providing accommodation for those displaced by their operations that the rents have gone up in Bombay. In regard to the Deferred Street Scheme, Mr. KENT has told us that by this provision, the Improvement Trust will be able to lay out streets much better and quicker. But what is the state of affairs in the Municipality? The Municipality has put on set-backs lines in enormous area in different streets but we know that for want of funds many set-backs have to be given up. If the Improvement Trust are prepared to lay out such set-backs, well and good; otherwise it will be worse off than the Municipality. Supposing a certain set-back line is to be laid on a certain street. What will be the result? The house-owner will compel the Trust to purchase it within six months and if the Trust is not in a position to acquire it, what would happen? If you have once set the lines for acquiring it, will you say no to it because your funds won't permit it. Any amount of funds will not be sufficient to lay out the lines.

Mr. KENT has given us the history of the constitution of the Board. He says that the number of members is always too large. I understand that Sir PHEROZESHAH never assumed that the number on the Board was too small and for that reason he wanted to increase it. That was not the argument that he used. It was the proportion of the representation which is debated. The crux of the discussion lay in the principle that the representation of the Corporation should be in a particular ratio. I am sure Sir PHEROZESHAH is right in asking for a larger representation being allowed to the Corporation in view of the larger financial contribution that the Corporation is called upon to make.

I attach no importance to the speech of the Honourable Sardar Davar MODI, who says that if the Corporation is not satisfied with the work of their Members on the Board, let it ask them to resign. That is not the point. I say that the Corporation of Bombay is proud of its representatives on the Trust. It is never suggested that the Corporation is not satisfied with the way in which they discharge their duties. They perform their duties in the ablest manner possible and the Corporation is proud of them. Our complaint is that their voice is rendered ineffective in view of the larger Government majority on the Board. In conclusion, I submit that I still believe that the provisions in the Bill relating to the accommodation of the poorer classes will be of very little use.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said :—Your Excellency,— I wish to make one observation with regard to what has fallen from the Honourable Sardár Dávar MODI in regard to the representatives of the Corporation on the Board of the Improvement Trust. It has been partly dealt with by my Honourable friend Mr. MANMOHANDAS. Strictly speaking, what he said was not quite relevant. The line of argument which the Honourable Member took was that there are four representatives of the Corporation on the Board of the Improvement Trust, and if the Improvement Trust has failed to carry out its duties properly, the four representatives of the Corporation being included in that body, the Corporation should have removed them for neglect of duty. Now, I am sure the Honourable Mr. MODI would not have argued that way if he had known the real facts. The complaint of the Corporation has never been that their representatives have failed in their duty. What it says is that they have done their duty in a manner in which it wanted them to perform it. The complaint is that being four in number they are outvoted and cannot effectively control the operations of the Trust as the Corporation desires. I confess I was surprised to hear the argument advanced by the Honourable Sardár.

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Your Excellency will permit me to offer my grateful appreciation to the Honourable Mr. MANMOHANDAS for the high certificate he has given to the representatives of the Corporation on the Board of the Improvement Trust of whom I am one. The whole discussion has proceeded on certain provisions of the Bill and what I should like to invite your attention to is the necessity of properly recognising what it is that we have met here today to do. We are considering an amending Bill—a Bill to amend certain provisions of the Improvement Trust Act. Now, Sir, before I deal with the two or three clauses of the Bill which have given rise to so much discussion I should like to invite the attention of the Council to various other provisions of the Bill which have not been touched upon in the discussion, and to indicate how far it affects the interests of the City and the citizens, either favourably or prejudicially. It has been pointed out that these provisions have been inserted in the Bill at the instance of the Improvement Trust, and as a Trustee, who has been associated with the working out of all these amending provisions, I should like to mention to this Council that after the withdrawal of the previous Bill of 1907 it became necessary to re-adjust the financial arrangements between the Corporation and the Board. Negotiations were opened between the two bodies and a definite arrangement was arrived at which necessitated amending legislation. It was suggested by Government that the amending Bill should be limited to giving effect to the financial re-arrangement agreed upon. At that time we urged that there were certain amendments which required to be carried in the interests of the City and for the better administration of the Improvement Trust and it was on our representation that Government ultimately agreed to amend such sections of the existing Act which required urgent attention. I will now revert to the question as to what it is that this Bill essays to do and how does it affect the public of Bombay. I will leave out for the present those sections which have been criticised and start with those about which I have not heard a word, though they deal with several important matters which have been the subject of frequent criticism and legitimate grievance. Section 27A and section 27B deal with a question which has been a constant source of grievance with the public of Bombay. Under the existing law the provisions of section 49, which impose serious disabilities in the

matter of computing compensation apply to all properties included in a scheme immediately upon notification. No obligation to acquire these properties is, however, created until the scheme is sanctioned by Government and a declaration to that effect is made. At the time the present Act was passed it must have been contemplated that the requisite sanction would follow within a few months from the date of notification and therefore the disabilities imposed would not act harshly. In actual experience it has been found that sometimes 5 or 8 years have elapsed between the dates of notification and declaration of a scheme and during these intervals the house-owners have suffered serious disabilities owing to the operation of section 49. Your Excellency can appreciate what a serious hardship it is when under a scheme which includes hundreds of properties the house-owners are debarred from carrying out any improvements in those premises, or complete a building which is in course of construction, under a penalty which the law lays down that they shall receive no compensation for the work done after notification. If it was a matter of a few months, in the public interest we may tolerate it; but when the acquisition proceedings are undertaken years after the date of notification the Council can easily realise how seriously it prejudices the interests of the house-owners concerned. Government, the Improvement Trust and the Corporation all recognise that this is a serious state of affairs which requires to be remedied and this we propose to remedy by this Bill. We say that if after the notification of a scheme the work of acquisition is not undertaken in a year or two the house-owner has the right to call upon the Trust to decide whether they intend to acquire it or not. If the Trust decide to acquire it they proceed with the acquisition, and the grievance is removed. On the other hand, if they decide not to have that property, then it goes out of the list of properties included in that notification, and for two years afterwards it cannot again be notified. It is then free. This remedy applies to those cases in which the work of building is not actually in progress. As regards a building in course of construction on the date of notification the existing Act provides that the owner cannot proceed with the construction of the building under the same penalty. This means that an unfinished building is perforce to be left in that condition during the many years that the Trust and Government may take in making up their minds whether they will carry out the notified scheme or give it up. The loss involved by such a procedure must be admitted to be too serious to remain unremedied. Section 27B provides a remedy for this grievance. The Select Committee has decided by a majority that if a building is in course of construction on the date of notification and the work has reached the first floor level, it should be obligatory upon the Trust to acquire it at once, while if it has not reached that stage it should not be acquired. I do not agree with the majority in respect of the remedy provided and have therefore given notice of an amendment to this clause. I wish by my amendment to improve upon the remedy provided. I will not, however, deal with that subject now, as I will have to explain it fully when I move my amendment. Whether this Council accepts the recommendation of the Select Committee or passes my amendment, my object at present is merely to point out that a substantial improvement has been made in the existing law in the interests of the public of Bombay.

Another matter of grievance has been that in regard to the Police accommodation schemes, and now in regard to the proposed housing schemes property may be acquired without the payment of 15 per cent. for compulsory acquisition which is allowed under

the Land Acquisition Act. For special reasons the legislature deprived the owners of properties from receiving that 15 per cent. in consideration of the fact that the Trust was acquiring properties for sanitary purposes. The Select Committee has now recognised that if a property is required for the Police accommodation schemes and also for the housing of working classes, then the house-owner shall receive 15 per cent. extra as compensation. This also is an important improvement. Then as regards the vesting of streets it will be observed that the Select Committee has introduced various provisos to safeguard the interests of those house-owners who may be affected by the appropriation of streets for building purposes. The other matter which has always been a subject of considerable controversy between the Corporation and Government has been in regard to large resumptions which Government have made of Schedule C lands. I have frequently brought to the notice of Government, both through the Improvement Trust and the Corporation, the unfairness of depriving the Trust of the revenue which was deliberately provided at the time of the passing of the Act by means of such large resumptions. This has had no effect in the past. The present Bill, it is gratifying to notice, accepts the principle that in future if Government or the Corporation resume schedule lands, the body resuming shall pay full market value to the Board. This is an important amendment in the interests of the City and we are grateful to Government for having accepted it. Another thing which this Bill proposes to deal with is to settle the question of the ownership of the flats. There has been a constant dispute between Government and the Corporation with regard to the ownership of the flats. When the present Act was introduced in Council in 1893 the Honourable Sir CHARLES OLIVANT, who was in charge of the Bill, left the question open to be decided thereafter. I think the way in which this Bill disposes of the question of the flats is satisfactory to all parties concerned. The other important matter in the Bill to which I wish to make some reference is about the right of reversion of the assets and liabilities of the Trust when the Board is dissolved. The Select Committee has accepted the suggestion that Schedule C and E lands should remain with the Corporation till the term of 99 years for which they were originally given actually expires. That is also a very important amendment in the Act.

Your Excellency will observe that I have very briefly referred to the many important amendments which are introduced in the Bill—all of them in the best interests of the city and the citizens—and my regret is that in the course of the lengthy debate which has already taken place not a single word has been said of appreciation or otherwise in connection with any one of them. I will now deal with the several points which have arisen in the debate.

A great deal of discussion has taken place in regard to three amendments in the Bill, firstly, in regard to clause 5 which amends section 23 of the present Act dealing with the Improvement schemes; secondly, the Deferred Street Schemes; and thirdly, the Poorer Classes Accommodation Schemes. I may inform the Council that I regard the proposed amendments as a substantial improvement and a great advance on the existing Act. What are the conditions as regards the Improvement Schemes under the present Act? Under section 24 the Municipal Commissioner is given the right to make a representation to the Improvement Trust to undertake Improvement Schemes. He is authorized to do so on his own motion, and is required to do so (a) under a resolution of the Bombay Corporation, (b) when moved by the Health Officer, (c) by three or more

Justices of the Peace, and (d) by twelve or more rate-payers residing in the ward comprising the area in respect of which the complaint is made. It therefore follows that when twelve rate-payers in a locality make a representation to the Commissioner calling upon him to move the Trust to carry out an improvement scheme in a given area the Commissioner has no option, but is bound to make that representation. When the representation is received by the Trust it has no option but to accept it, provided it has sufficient resources available and it is satisfied that the area is in an insanitary condition. It must be remembered that an obligatory procedure of this kind is a dangerous one, inasmuch as it is difficult to decide what is an insanitary area. I dare say there are numbers of areas which it is difficult to say are not insanitary. This safeguard is therefore of no practical value. Then, what is meant by available resources? It may be that at the time of representation the Board may have available resources, but they may be required for other improvement schemes for areas far more insanitary. Still technically it might be argued that as the Board had on the date of representation sufficient resources for the scheme in question it was bound to notify the same and to hypothecate its available resources for it though it may not be for an area relatively very insanitary. The second safeguard is therefore equally valueless. All that the amending Bill provides is that the Trust, after receipt of such a representation, should have the option of declaring within twelve months whether it will undertake any represented scheme or not. If within twelve months the Board does not pass any orders, then the Corporation is given the power of making an appeal to Government, and Government are given the right of enforcing the carrying out of that scheme, if desirable. This is the machinery provided to meet the present difficulty. A modified option is proposed to be given to the Trust under clause 5 which it has actually exercised in the past in spite of the existing law. The amending Bill actually restricts the discretion which the Trust has assumed. Let us see how the present Act has actually worked. Your Excellency is aware that the late Mr. Harvey in 1905 sent in an official representation under the Act inviting attention of the Trust to a number of insanitary areas in the City and calling upon it to formulate schemes for them. Under the Act, if it was possible, all those schemes ought to have been undertaken at once. The Trust undertook at once the first scheme on the list, namely, the Nowroji Hill scheme, but though seven years have elapsed, nothing has been done in regard to other represented schemes. I am not defending the Trust. I think the Trust was wrong. It should have stated whether it proposed to carry out the schemes or not; if not, for what reasons. The Board has done nothing of the kind. That is how things have worked under the existing law. The proposed amendment greatly improves upon that state of things, because the Improvement Trust under the amended Law will be bound to declare within one year whether it will undertake the scheme represented to it by the Municipal Commissioner or not, and if the Trust makes any arbitrary or unwise decision there is an appeal to Government. Government can force it to notify that scheme. I ask the Council to say whether it is not a decided improvement on the existing state of affairs.

I submit that it is a decided improvement and that there is nothing to take exception to. It may be that the Trust may have available resources at the time of representation, but the great thing is that we have to consider the requirements of the city as a whole. It may be that there may be other localities in a more insanitary condition than the one

about which representation is made, and the Board cannot in justice to the interests of the whole city hypothecate its resources to the latter in preference to the most insanitary areas in other parts.

Now, as to the provision made in regard to the Deferred Street Schemes, there is a considerable misconception about the matter. The only reason why a special provision is required for these schemes in the Act is that while the street schemes authorised by the existing law must be undertaken and carried out forthwith it may not be desirable that that should be done in all cases. The misconception appears to me to have arisen in consequence of the fact that originally these schemes were termed set-back schemes and the amendment proposed was called amendment for set-back. All that is now changed. These are no set-backs. Criticism has been levelled against these new schemes under a misapprehension that they are set-back schemes. I understand deferred street schemes to be street schemes under the existing Act without any distinction. The only difference between a street scheme under section 30 of the present Act and a deferred street scheme under the amending law is this that while in the case of the former, acquisition must be proceeded with at once and the street made "forthwith", in the case of the latter it is no longer necessary to proceed forthwith with the acquisition of all the properties affected, and the demolition of the houses may not be undertaken at once. It may be asked why you want this alteration to be made. I will give you the reasons which have influenced the Select Committee in passing it in this form. As originally drafted I did not approve of these clauses and in the Select Committee we had a long discussion. The strongest objection that I took was that when the question of the adequacy of resources was applied to street schemes under section 30, you cannot dispense with it in the case of deferred street schemes. I pointed out that if you have deferred street schemes the Trust may notify a number of these schemes without looking at their resources, and in the end what will happen is this:—The liabilities would fall upon the Corporation either under the guarantee clause, namely sections 80, 81 and 82, or if Government chose to dissolve the Trust the Corporation would have to carry them out at its own expense. Both these contingencies appeared to me to be manifestly unreasonable. I am glad to say that my view prevailed, and it has been specifically provided that these deferred street schemes shall not be undertaken unless the Trust has adequate resources to meet the case during the years during which the operations will extend. The most serious objection to them from the view of the Corporation has thus been removed. Let us now examine how these deferred street schemes will work. As I have pointed out, there is no such thing as set-back in regard to these schemes. All the houses on either one or both sides of the existing streets will be included in the notification and when the declaration is made it will become a scheme. I contended in the Select Committee that it was not right that you should apply the disabilities of section 49 to those houses and not acquire them for years. The disability is removed. Now, the position is this that if a house-owner whose house has been notified under a deferred street scheme wants the Trust to acquire it he gives six months' notice and the property must be acquired by the Board. The Board is not required to pull it down immediately. It becomes the property of the Trust as pointed out by my Honourable friend Mr. KENT. So that is also an answer to the arguments advanced by my Honourable friend Mr. MANMOHANDAS. These properties are not to be pulled down if the owners require the Trust to acquire them at once. There will be no such thing as gaps noticeable under the application of the

set-back sections of the Municipal Act. At the same time it is recognised that it is not right for a public body to acquire private property for a public purpose and then by deferring the carrying out of such a public purpose for an extended period obtain rents from such properties and make a profit over the bargain. The Board should not in this way be allowed to become house-owners in a large way, unless obliged to do so by the owners of existing houses within the limits of the deferred street schemes compelling them to do so. The acquisition of properties in such schemes will be deferred until such time as the street has actually to be made and then the Board would have to give six months' notice to the owners, acquire the properties at the then market value and pay 15 per cent. extra compensation for compulsory acquisition. The owners will remain under no disabilities during the period necessarily long in consequence of their properties being included in the deferred street schemes. The appreciation in the market value up to the date of practical acquisition will be paid to them plus 15 per cent. for compulsory acquisition. I venture to submit that we could not have protected the interests of the public in a more efficient manner.

The only other section about which a great deal of discussion has taken place is the housing of the poorer and working classes. At the outset I should like to remove a misconception that seems to be general from the discussion that has taken place in this Council. It has been urged that it is an indirect way of transferring the liabilities which now fall upon the Trust for providing house accommodation for the poorer classes to the shoulders of the employers of labour. Now, Sir, it is nothing of the kind. The two things to my mind are perfectly distinct. Two classes of poor people have got to be provided with house accommodation. One class is that which is displaced by the operations of the Trust in carrying out its schemes and the other class is a large working class living in the City under insanitary conditions. The Trust has from its very inception never accepted the liability of providing sanitary house accommodation for all the poorer classes living in the City. It has not got the means to do so. The means that Government have placed at its disposal are clearly not sufficient to meet these requirements. Therefore it has restricted its operations to provide house accommodation for people who are displaced by its operations. It will clearly appeal to members of this Council that if poorer people living in insanitary conditions and paying moderate rents are turned out of their houses they have a just claim upon the Trust to provide adequate sanitary houses for them at moderate rents. That liability the Trust has accepted. In theory it has accepted it in full, but in actual practice it will not be able to carry it out in its entirety. We have provided, as the Honourable Mr. KENT and the Honourable Mr. SYMES have pointed out, accommodation for 15 thousand people at a cost of something like Rs. 39 lakhs and we have replaced a considerable number of poorer classes in that way. I admit as a member of the Trust that we have not been able to fulfil our obligation in this respect in its entirety. But what has been our experience? The sanitary accommodation we have provided for 15 thousand people has not been wholly occupied by the people who were displaced by our schemes. I might go further and say that not even a very large number of these people have come forward to occupy these chawls in spite of our earnest desire to offer all sorts of facilities. For reasons we are unable to ascertain we find it difficult to fill the chawls with people whom we have displaced. The actual cause of this requires to be investigated. I am trying to find out why when we provide sanitary accommodation for this particular class of people and charge moderately low rents they won't

come forward to avail themselves of it. I am stating the difficulties that we are confronted with to show what would have happened if we had provided accommodation for 30 thousand people instead of for 15 thousand. But my submission is that even if this accommodation is not availed of by people displaced by our schemes, it is still a great sanitary advantage to the City inasmuch as these chawls accommodate people of the poorer classes generally. I have therefore always pressed in the Board the desirability of proceeding as fast as possible with the work of chawl construction in connection with every scheme under which we displace the poorer people. This obligation will always remain upon the Trust and I am sure there is no intention of ignoring it. The proposed section in the Bill is certainly not intended for the purpose of relieving the Board of its liability to provide chawl accommodation for the poorer people displaced by its operations. In view, however, of the fact that the Board cannot possibly deal with the question of providing sanitary house accommodation for the large number of the poorer and working classes living in the city and not affected by the operations of the Trust and in view of the further fact that the health of the city is largely concerned with the kind of houses in which these people are obliged to live, it became necessary to consider what should be done in the matter. Your Excellency, it was about 10 years ago when this subject was being considered by the Board of the Improvement Trust that the Honourable Sir SASSOON DAVID, the representative of the Millowners' Association on the Trust, brought forward a practical suggestion, and all these years we have been trying to work out a scheme for the purpose and get legislation passed in my behalf. The Mill-owners' Association recognised that it was to their interest to provide sanitary buildings on the premises of their mills for their mill-hands and thereby secure better outturn and better results for their industry. At the same time, they felt that they had not the means to borrow the money at a sufficiently low rate of interest and they therefore said that private enterprise could not undertake this work unless it had the co-operation of public credit. The Improvement Trust as representing the City has a credit by which it can borrow money at 4 per cent. which private people do not possess. It was arranged that the City's credit be lent for this purpose to the millowners with proper safeguards without making the slightest profit and the millowners should build chawls out of such loans. It is an arrangement, which, if carried out, is of material advantage to both the interests concerned; the City in consideration of lending its credit at a low rate of interest to the millowners is securing better sanitary conditions for a large number of citizens; while the mill owners secure the advantage of cheap money and of having a sufficiently large number of their hands permanently on their own premises. If, therefore, the present sections which have been framed in consultation with the accredited representatives of the millowners prove unworkable or impracticable, surely, it is not the fault of this Council or the Select Committee. But I do not see why they should be found impracticable. It may be that the millowners may not be willing to avail themselves of this advantage—I do not see why they should not—but if the apprehension entertained in this behalf is realized, a suggestion made to me once would prove worthy of consideration. In this connection Your Excellency will permit me to mention a conversation which I had with Sir Walter Hughes, who was so well conversant with the requirements of the City of Bombay. He said that the City should lend its credit to the employers of labour for the purpose of providing accommodation for their men and if after a certain length of time after this credit was made available the millowners did not take advantage of it, then a representation should

be made to the Government of India to amend the Factories Act and make it obligatory on the employers of labour to provide house accommodation for 40 or 50 per cent. of their workmen. I entirely agree with that view and I am gratified to see that my Honourable friend Mr. MANMOHANDAS strongly put that view before this Council. I will now mention a very interesting fact in this connection. When this Bill came before the Council in 1907 I spoke upon it and when the matter was reported in the Press one of the prominent millowners got so wild that he wrote a long letter to the "Times of India" that the principal function of the millowners was to earn a fat dividend for the shareholders. I am very glad to find that during the last five years a considerable change of opinion has come over them and we hear from all quarters a great desire to give primary education and to provide sanitary chawls for the mill-hands. I welcome this change in their opinion, and I venture to hope that the millowners and other employers of labour will take the fullest advantage of the facilities we give them. It is a piece of legislation which is mutually advantageous and ought to result in much good to all the interests concerned.

Your Excellency, most of the speeches that have been delivered have been on these points and therefore I do not propose to speak at any greater length. There is only one thing, however, which I cannot help saying with regard to the speech which my Honourable friend Mr. KENT has made. I wish he had not instituted a comparison between Calcutta and Bombay in regard to financial matters. We have been very badly treated in the matter compared to Calcutta. We are, of course, thankful for the gift of Rs. 50 lakhs, but I trust Your Excellency with your powerful voice will also secure for the Bombay Improvement Trust an annual subvention of Rs. 4 or 5 lakhs which the Calcutta Trust enjoys. Calcutta has lost its claims as the capital of India, and the claims of Bombay have always been far more imperative than those of Calcutta. I hope Your Excellency will use all your influence in securing for Bombay the same financial advantages which Calcutta enjoys and to which we are eminently entitled.

The Honourable the Advocate General (Mr. M. R. JARDINE) said:—Your Excellency,—I think it must be obvious now to the members of this Council that there never was and is not any real opposition to the Bill, regarded as an amending bill, which is now before the Council. Practically all the criticism which has been addressed to this Council has been criticism which might have been relevant in 1908, but has lost most of that relevance in 1912. Even such criticism as there has been on this amending Bill seems to me to confine itself to three points, and to three points only. The first of these three points is that because the contribution which is now given by the Corporation to the Trust is larger than was contemplated at the time of the inception of that body, that therefore there should be proportionate increase of the representatives of the Corporation on the Board of Trustees. That, I submit, has got absolutely no foundation in history, and no foundation in reason. It was never suggested—it has never been suggested I believe, and certainly not at the time when the Improvement Trust Bill in 1908 was passed—that the representation of the Corporation on the Board bore any relation to the proportion of the amount of the contribution, which it was then contemplated might be made as a maximum in the ordinary course. Therefore, it is quite an unreasonable and unhistorical argument that as the contribution is larger there should be a proportionate increase in the representatives. I take it that the real reason for the Corporation being represented on the Board was that

thereby a body of persons would be tapped who were conversant by their experience on the Corporation with the needs of the City, and whose experiences, it was desirable, should be placed at the disposal of the Board for the benefit of the Board and of the City. That argument of proportionate representation being carried to an extreme resolves itself into an absurdity. If the representation of the Corporation should be four out of the Board when their contribution was about two lakhs or five lakhs, then, as I understand the argument, it should be double that number when the contribution is five lakhs to ten lakhs; the result would be that as soon as the Corporation gave ten lakhs—and they are giving something like that now—then their argument is that there should be no less than eight members on the Board who should be members of the Corporation.

The Honourable Sir PHEROZESHAH M. MEHTA :—That is certainly not my argument.

The Honourable the Advocate General (Mr. M. R. JARDINE) :—Up to the present we have had no limitation of the theory that the representation of the Corporation has to increase by an automatic proportion in relation to the amount of the contribution. This is the first point on which criticism has been made. I submit that it is irrelevant to this amending bill, but it has been brought in by more than one speaker on behalf of the Corporation on the ground that this Bill proposes an increase of the contribution of the Corporation. The next criticism is in regard to the accommodation of the poorer classes scheme. That criticism is due to this and this only that the Honourable Sir PHEROZESHAH MEHTA, who has a wide experience of all classes in the city, has dismal forebodings whether the millowners will avail themselves of the provisions of the Bill. This after all is not a very dismal prospect. It cannot really be a very serious matter if as a matter of fact the millowners do not take advantage of these provisions. On the other hand we are told by the Honourable Mr. FAZULBHOY, whose experience of the City is considerable, and whose experience as a millowner is very much greater than that of the speakers, who represent the other view—he tells us that these provisions will be availed of, but to what extent he cannot say. He repudiated gently a suggestion that he had guaranteed any number of millowners. I for one, and I think the Council as a whole, will prefer the healthy optimism of a millowner rather than the decidedly dismal forebodings of the Honourable Sir PHEROZESHAH MEHTA.

The Honourable Sir PHEROZESHAH MEHTA :—What about Mr. MANMOHANDAS RAMJI? He is a millowner.

The Honourable the Advocate General :—Yes, he is a millowner. I think he followed Sir PHEROZESHAH MEHTA so closely in most arguments that he was anxious to avoid differing from him on that point. However that may be, in spite of Sir PHEROZESHAH MEHTA's dismal prophecies, there is very good reason to hope that a good number of mill-hands will go into the Spartan dwellings, which I understand will be provided on the 4 per cent. basis. The next point is in regard to Deferred Street Schemes. The chief complaint about that was that Sir PHEROZESHAH MEHTA did not understand what the scheme was intended to produce. He did not tell us that he had made any efforts to ascertain what that scheme was intended to produce. But had he approached anyone on the Select Committee, or anyone else who was acquainted with the Bill, he would no doubt have ascertained how the scheme was going to work, and would have been in a position to criticise it. After what we have heard from the Honourable Sir IBRAHIM RAHIMTULLA there can be no doubt that it is not only a very practicable, but a very

desirable scheme. Sir PHEROZESHAN gave away most of his case when he admitted that it was a good and workable scheme for the north of the island, and if that is so, to that extent it must be a good scheme. It is to that part of the island that the scheme is mainly directed, and it may be left, and safely left to the Improvement Trust not to apply the scheme to parts of the Town and Island to which it is not suitable. The principal object of the criticism would have been obviated if it had been realized that when they are described as deferred schemes, they are not so as regards the land-owner. At any time, on giving six months' notice he may turn a deferred scheme into an ordinary street scheme. If he lets it remain as a deferred scheme he has the advantage of 15 per cent. as well as the market value of the land. Another suggestion was made which was not strictly relevant to this Bill. The suggestion was made that the High Court should be substituted for the Tribunal for the adjudication of questions of compensation. The argument advanced in favour of that was that there was great distress on the part of the land-owners on the decisions of the Tribunal. I think that that can be accounted for, because the decisions of the Tribunal are decisions on the vested interests of the land-owners. If you substituted the High Court you would simply divert the stream of criticism and discontent from the Tribunal to the High Court, and it must be remembered that although the High Court is a greater authority upon all questions of principle the Tribunal is eminently suitable for the decisions of questions of land valuation, because not only is the President a lawyer, but he is assisted by two assessors who cannot only assist him in matters of valuation, but can in this way effect a saving of time and expense not only to the Government, but to the claimants.

The Honourable Sir PHEROZESHAN M. MEHTA:—The High Court can also have assessors.

The Honourable the Advocate General:—The High Court can do so, but I think it never does.

The Honourable Sir PHEROZESHAN M. MEHTA:—I have sat as one.

The Honourable the Advocate General:—There were assessors a great many years ago. I think in Sir CHARLES FARRAN'S time. Therefore I submit that on those points, which have been brought forward, so far as they have any relevance to the amending Bill, there is nothing substantial in them, and it seems to me that the whole of this criticism is some 14 years out of date.

The Council then adjourned till 11-30 a.m. on Friday the 27th September 1912.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

. Poona, 26th September 1912.

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

The Council met at Poona on Friday, the 27th September 1912, at 11-30 A.M.

P R E S E N T :

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I.,
G.C.M.G., G.C.I.E., Governor of Bombay, *presiding*,
and 43 Members, of whom 40 were Additional Members.

**BILL NO. VII OF 1912 (A BILL FURTHER TO AMEND THE CITY OF
BOMBAY IMPROVEMENT ACT, 1898)—continued.**

The Honourable Khān Bahādur NAWROJEE PESTONJEE VAKIL said:—Your Excellency,—I am of opinion that funds of public bodies like the Improvement Trust should be deposited with the Bank of Bombay only and not with any banks approved from time to time by Government. Government itself deposits its public monies in this Bank because the security offered by the Bank of Bombay is complete. Firstly, owing to its large reserves; secondly, to its giving publicity to its position every week by the publication of its balance sheet; and thirdly to the high class nature of its business which is controlled and regulated by the Presidency Banks' Act which precludes the Bank from investing or lending money or securities other than those of Government Paper or Guaranteed Railway Shares or securities of a similar nature. No other Bank in Bombay is on this footing, and I think it is not desirable that large funds of a public body like the Improvement Trust should be deposited with Banks whose positions can be known to Government only once in six months. Improvement Trust funds are after all public monies and the question of obtaining a little more interest by depositing them in other Banks should not be allowed to have any influence. Absolute safety only with fair interest should, I think, be the first and only consideration.

The Honourable Mr. LALUBHAI SAMALDAS said:—Your Excellency,—After the lucid explanation given by the Honourable Sir IBRAHIM I did not want to take up the time of this Council by offering any remarks on the Bill. But the remarks that have fallen from my Honourable friend Sardār VAKIL force me to say something in reference to the matter. Clause 33 of the Bill says:—(Reads.) Formerly the Municipal Corporation could invest its money under a section of the old Municipal Act only in the Bank of Bombay, but subsequently it represented to Government that it was seriously handicapped by the arrangement and got the section amended. It has now the power to deposit its money in other Banks also. That being so, it is not right to prevent the Improvement Trust from doing the same. It is not right to say that an investment in any other Bank is not safe. Some of the Banks in Bombay are managed splendidly, and I think they are as safe as the Bank of Bombay. Moreover, under the amending bill, Government will have the power not only to select a Bank, but also to lay down

conditions under which the deposits can be made, and if Government find that a Bank is not safe they will not empower the Trust to deposit its money in that Bank. I do not think there is any reason to fear that Government will not use their discretion properly.

The Honourable MOULVI RAFIUDDIN AHMAD said :—Your Excellency,—I confess when I came here I had no desire to speak, as I thought this matter was left best in the hands of Bombay members. With all the openness of mind which I kept in order to hear what the members of the Corporation had to say, I must say that I was exceedingly astonished to find there was such a divergence of opinion in regard to the points involved in this Bill. The Honourable Sir PHEROZESHAH MEHTA has given one side of the question, and another representative of the Corporation, the Honourable Sir IBRAHIM RAHIMTOOLA, has destroyed most of the arguments advanced by Sir PHEROZESHAH MEHTA. The two knights who have ranged themselves against each other have left us benighted as before. We are exceedingly puzzled to find out as to who is right on the present occasion. Sir PHEROZESHAH says that the Corporation is exceedingly inconvenienced owing to its inadequate representation upon the Improvement Trust. The Honourable Sir IBRAHIM RAHIMTOOLA, who is a representative of the Corporation on the Trust, has nothing particular to say about any special inconvenience being felt on account of the inadequacy of the representation.

The Honourable Sir IBRAHIM :—You will allow me to contradict the fact. Adequacy or otherwise of the Corporation's representation on the Trust is not now before the Council. This is quite an irrelevant matter. I have not said one word about it, as Your Excellency has ruled it out of order.

The Honourable MOULVI RAFIUDDIN AHMAD :—Whether it is relevant or not it is not for you to decide but if you say you have not said it, I accept your word. It is not shown by any member that there is any particular inconvenience felt on account of the inadequacy of the representation. If that representation is to be in a minority then whether that minority is great or small would not much matter, the whole thing would depend upon the efficiency of the representation of the Corporation on the Board. It has been admitted that the representation is exceedingly efficient and therefore upon this occasion it is not necessary that the question of adequacy should be discussed. I was also very much amused when Sir PHEROZESHAH MEHTA said that an appeal to Government would be useless because Government has so much control over the Trust, that no appeal from the Corporation to the Government would be ever decided in favour of the Corporation. If that is the right view to take, then it follows that all the appeals against the decisions of the Collectors or Commissioners would be futile, because the bureaucratic departments are entirely under the supervision of the Government. Sir PHEROZESHAH does less than justice to the members of the Government when he says that Government would not consider any sound argument advanced by the Corporation upon the subject. There is, however, one point in Sir PHEROZESHAH MEHTA's speech with which I am in perfect sympathy. I feel inclined to agree with Sir PHEROZESHAH as to the necessity of transferring the compensation cases from the Special Tribunal to the High Court. I hope the learned Advocate General will pardon me when I say that I was not convinced by his arguments as to why an appeal should not be made to the High Court. If the Honourable Member in charge of the Bill will

declare whether he accepts the suggestion with regard to the Special Tribunal made by Sir PHEROZESHAH MEHTA, and if he would shed further light upon the subject, we should be very thankful to him.

The Honourable Dr. TEMULJI BHICAJI NARIMAN said :—Your Excellency,—Like my friend the Honourable Mr. RAFIUDDIN I had no intention to speak on the debate, but the discussion that took place yesterday has prompted me to say a few words on the subject. We have two prominent citizens like the Honourable Sir PHEROZESHAH MEHTA and the Honourable Sir IBRAHIM whom we always listen to with respect ranging themselves in opposite directions ; one contends that the Bill is a great improvement upon the original Act, while the other condemns it. I must confess, therefore, that after one has spoken in favour of the Bill, and the other has condemned the operations of the Trust, we are greatly puzzled in making up our minds as to who is right and who is wrong. But I venture to think that the sweeping condemnation of the operation of the Trust by the Honourable Sir PHEROZESHAH MEHTA and the Honourable Mr. MANMOHANDAS RAMJI are not justified. If we have eyes to see while going from one end of the town to the other, we can see what marvellous changes have been effected in the City during the past few years. No doubt it might be said that the results of the Trust operation are not in proportion to the expenditure that has been incurred. The expenditure might appear extravagant, but it cannot be denied that it has not only beautified the City, but has rendered it more sanitary than it was before the plague time. The argument of Mr. MANMOHANDAS is that the mortality in C Ward has not decreased ; I think it is not right to expect good results all at once. One has to wait for results until different quarters of the City are taken in hand ; we should not judge of the result by one ward only. I must confess that the time has arrived for further operations to be taken in hand instead of demolishing houses wholesale, and we must get to work in supplying different crowded streets with more air lungs. When this is done, the sanitary condition of the City would be improved. We must improve the habits and customs of the people in order to secure adequate results of the sanitary measure. I do not say that we must wait till the habits of the people are improved ; we must go on improving the City and then wait for the results. The Honourable Mr. FAZULBHOY CURRIMBHOY has assured us of the co-operation of the mill-owners ; and in spite of the protest of Mr. MANMOHANDAS RAMJI I say that good will come out of the scheme of the housing for the poor. Common sense tells us that even if few mill-owners succeed in building sanitary chawls in connection with their mills, and if mill-hands take advantage of the housing facilities it will produce a sort of improvement in the sanitary conditions of the City. With these remarks I support the second reading of the amending Bill.

The Honourable Mr. M. B. CHAUBAL in reply to the debate said :—Your Excellency,—I do not think it is necessary for me to detain the Council for any length of time in replying on the debate which has taken place on this motion. The motion before the house is that the Bill as amended by the Select Committee be read a second time. On that motion, nine honourable gentlemen spoke yesterday and four have spoken this morning. Out of the nine members, six unhesitatingly supported the motion for the second reading, and there were only three out of the nine who certainly, so far as I can gather, did not say that they opposed the motion for the second reading, but who apparently expressed some views of dissent as regards certain particular provisions in the Bill. Out

of these three, I think, we might omit from consideration the remarks of the Honourable Mr. SETALVAD, who made some observations about the adequacy of the representation of the Corporation on the Trust. The Honourable Mr. MANMOHANDAS RAMJI, in his speech, referred only to two specific provisions of the Bill, namely, the Deferred Street Scheme, and the Poorer Classes Accommodation scheme; and he wound up by saying that he did not approve of the latter only, that is to say, the Poorer Classes Accommodation scheme. My Honourable friend Sir PHEROZESHAH MEHTA has indeed run amok, slashing at everything in his war-path. The specific provisions of the Bill, which he referred to, were the Deferred Street Scheme, the unfairness of the financial provisions of the Bill, which he considered were extremely in favour of the younger sister, and the right of appeal given to the Corporation in the matter of official representation which he considered was worth nothing, the question of the Tribunal of Appeal, and the Poorer Classes Accommodation scheme. As regards the specific provisions, if I try to reply in detail as regards each of these subjects, I am afraid, I shall have to repeat practically all that I had already said at the first reading of the Bill, as well as what I said yesterday, and what has already been observed in their speeches by my Honourable friends Mr. SYMES, Sir IBRAHIM RAHIMTOOLA, Mr. KENT and the ADVOCATE GENERAL. I will not, therefore, take up the time of the Council by dwelling on these and trying to improve upon their speeches. I can only say that if the members of the Council will dispassionately consider the reasons and grounds on which the Select Committee have come to their conclusions on the different provisions of the Bill, I think all their doubts ought to be satisfied. There were, however, two points in the Honourable Sir PHEROZESHAH MEHTA'S speech, which it is not possible for me to pass over. Although he did not refer specifically in respect of any particular provisions in the Bill, he offered certain general remarks which went to show that the provisions had been brought forward without giving an opportunity to the Corporation to express their views before the Select Committee, and also that owing to the treatment which he received at the hands of the Select Committee or rather its Chairman he had not been able to place before it important views which he held relating to the different provisions of the Bill. To take up the first point about no opportunity being given to the Municipal Corporation to represent their views on this Bill, I ask the attention of the members of the Council to the bare facts of the question. As I have already said in my speech in introducing this Bill, the consideration of the subjects dealt with in the provisions of this Bill has been before the Government, before the public and before the Corporation practically from 1904. In 1906 the Bill was actually drawn up. I have got the Bill here. I have also got the Statements of Objects and Reasons on the Bill as then drafted, and if any Honourable gentleman so desires he may refer and verify my statement that the Bill of 1907 is identically the same as that of 1906. This Bill of 1906 was referred to the Municipal Corporation on the 7th of July 1906 by Legal Department letter No. 154, in which the Secretary to Government said, "I am to observe that the larger Bill will not reach the stage of consideration in the Select Committee before November next, and Government will be pleased if the Corporation will favour them with any remarks that they may desire to make before the end of October." Three successive Octobers passed before Government had anything like a representation of the Corporation's views upon the provisions of the Bill of 1906, which was the same as that of 1907. In the meantime, Sir EDMUND FULTON introduced the Bill in March 1907, and the first

reading was postponed to June 1907. If the Members will see the proceedings of the year, they will find that very long debate then took place on the provisions of the Bill. A Select Committee was appointed on which the Honourable Sir PHEROZESHAH MEHTA figured as a very stalwart representative of the Corporation along with others. The provisions of the Bill were fully discussed and threshed out before the Select Committee. My object in saying that the provisions in the present Bill are mainly taken from the Bill of 1907 is to show that its main provisions have been before the Corporation from the year 1906 and that a letter was sent to them inviting their attention to the provisions of the Bill so far back as 1906, and three years later the Corporation awoke to the necessity of replying to the letter. It is in March 1909 that I am able to trace on the record any reply to the Government letter of July 1906, and what do they say in that letter? They say that "the Corporation understand that large alterations are going to be introduced in the Bill which was originally sent to them for expression of their views and therefore the Corporation asked the Government to inform them whether they need further engage themselves with the consideration of this Bill of 1906". This is the only reply which I am able to trace on the record in reply to the Government's letter of 1906. In my opinion, it is therefore simply idle to contend that the Corporation had not before them a clear idea of what the provisions of the present Bill were. The responsible members of the Corporation had, I think, distinct and pronounced views upon the subjects of the provisions, which the present Bill embraces. It was therefore rather unexpected for the representatives of the Corporation, and particularly those who had been present at the previous meetings and during the proceedings of the Select Committee which sat on the Bill of 1907, to say that they wanted any particular length of time to make up their minds on these provisions and to submit their views on them to Government in time. The present Bill would have been introduced in May last at the Mahableshwar Sessions of the Council. It is quite true that the letter sent to the Corporation on the subject of this Bill was dated 21st of April 1912, saying that there was very little time before the meeting which was to be held at Mahableshwar, and they were told that any suggestions they would make would be considered between the first and second reading of the Bill if they were placed before the Select Committee. They got a little longer time because the Government was not able to introduce this Bill at Mahableshwar, and the introduction had to be postponed to the 8th of July 1912. The first reply to the letter of the 21st of April, which nearly came two months after, was a letter which *does not touch upon any of the provisions of the Bill itself*, but submits that the number of representatives on the Board should be increased from 4 to 6: and even this was only four days before the meeting. It was on the 4th of July 1912. We met on the 8th of July, the first reading of the Bill took place and on the 9th of July the Select Committee for the consideration of this Bill was appointed, with instructions to submit their report *within a month*. The last day for the submission of the report was therefore the 8th of August 1912. Surely the Corporation must be aware, if they really wished to have their views considered by the Select Committee, that any representation that they sent on the subject should reach in time for the Select Committee *during their sittings*. But the letter, which the Corporation wrote, giving their views on the several sections of the Bill, is dated the 8th of August; that is, the last day on which the Select Committee was expected to send its report. Well, do these facts give any occasion for a complaint that the Bill was hustled in any way before the Select Committee and that the Corporation

had no opportunity of expressing their views before the Select Committee? They were fully aware that if they had any representation to make, it must be before the Select Committee during the time that they held their sittings and some time before they sent in their official report. These are the facts on which you have got to found your judgment as to the truth or otherwise of the complaint that no opportunity was given to the Corporation for submitting their views. But that is not the only thing. Notwithstanding the fact that the letter came to us on the 9th of August, you will see from the reply that has been given by the Government that each one of the Corporation's representations was most carefully considered before the Select Committee and that in regard to one or two of their suggestions which were not so considered, and which the Government thought reasonable the Corporation were informed that Government would accept them if any of the members of the Corporation submitted amendments in respect to them before this Council. They had time enough to send in the amendments, but, as you see, no amendments have been sent in. When the time for sending in amendments had passed away, I had to request His Excellency to suspend the rules and to permit the amendments in one or two respects to be moved at the meeting. These facts ought to make it clear the "younger sister" was not being dowered, at the expense of the elder or of the latter being sent to the wall. The facts clearly show that it was the other way about, and that the Corporation were perfectly conversant with the fact that if they seriously intended to send any representation, they could have sent it in long before the Select Committee met, or at any rate, during the deliberations of the Select Committee. You will find that there is hardly any suggestion which is not dealt with in the report or considered in the Select Committee. Every single point has been referred to; it may be that the view which the Select Committee took is not fully in accordance with the representation which the Corporation made, but the Select Committee took the view they have taken and arrived at conclusions after a full discussion of the various points.

Now I pass on to the other point, namely, the complaint of the Honourable Member that he was not given an opportunity of explaining his views on the detailed provisions of the Bill in the Select Committee. I wish I had not had to deal with the point, but as the Honourable Member has sent a letter of protest which he desired should form a part of his minute of dissent and as he has made it public, and as he has sent copies of the letter to members of the Council with the idea of convincing them and the public that he had a legitimate grievance on account of the treatment meted out to him during the meetings of the Select Committee, I am obliged to refer to that subject. I will confine myself to reciting the bare facts, leaving you to draw your own conclusions whether there was any sincere and genuine desire on the part of the Honourable Sir PHEOZESHAH MEHTA to assist the Corporation by explaining its views before the Select Committee or whether it was simply prompted by a desire to postpone the consideration of the Bill and its coming into force as late as possible. What are the facts with respect to this treatment of which the Honourable Member has complained? The first point is that he had no notice of the meeting of the first day which was on Thursday, 11th of July 1912. It is a pity that the Honourable Member allows the native robustness of his common sense to be unduly obsessed by the weight of past precedents and reminiscences of his past services on the Select Committees of the Viceregal and Governor's Council, Financial Committees, etc. I will only ask Honourable Members to consider what the facts are. When the Select Committee was appointed, it was mentioned that it would hold its sitting

as soon as the business of the Council Meeting was over and would continue to sit *de die in diem*; I think I am repeating exactly the words of my speech that I addressed to this Council when the appointment of the Select Committee was proposed. You are all aware that we expected our business would be finished on Wednesday. We met on the 8th and 9th of July, and we expected to finish on the evening of the 10th. The Secretary therefore sent round an intimation to the members of the Select Committee. The Select Committee was rather an unusually large one, consisting as it did of nine members. We have usually four or five members on the Committee, but on this Committee we had nine members, and a circular was sent round to the members on Wednesday in the hope that the business of the Council would be over that evening, that it was proposed to hold the Select Committee's meeting at 12 o'clock on Thursday. Eventually eight out of the nine members stated on that circular that the time was convenient to them. When that circular went to the Honourable Sir PHEROZESHAH MEHTA—after seven members had notified their consent to the time and day—he writes a remark against his name—(mind you, this is on Wednesday)—“My engagements in Bombay to-morrow make it very difficult to attend.” And you are all aware he was not in this Council on Wednesday, after lunch-time nor was he here on Thursday morning. Unfortunately we did not finish the business of the meeting on Wednesday, but we had to sit till one o'clock on Thursday afternoon.

The Honourable Sir PHEROZESHAH M. MEHTA :—May I ask that the circular be read out ?

The Honourable Mr. M. B. CHAUBAL :—Yes, I will read the circular. It runs thus :—“It is proposed that the first sitting of the Select Committee on the Improvement Trust Act Amendment Bill would be to-morrow (Thursday) at noon in the Council Hall. I am to request that you will be so good as to initial the paper, if the above time suits you.” The Honourable Member wrote :—“My engagements in Bombay make it very difficult to attend the meeting of the Select Committee to-morrow.” Now after the business of the Council was over on Thursday, all those members who were appointed on the Select Committee and who were present here were asked if they would attend the meeting of the Select Committee at 3 o'clock that day, and they showed their willingness to do so; and we commenced the sitting after lunch time. It is quite true that the Honourable gentleman had no notice that we were going to sit on Thursday after lunch, but the Secretary did not know if the Honourable Member had been able to get over the difficulty of his engagements in Bombay and if he did, he did not know where to communicate with the Honourable Member.

The Honourable Sir PHEROZESHAH M. MEHTA :—He had my address.

The Honourable Mr. M. B. CHAUBAL :—May be—but no address was regularly left and what is more, after the remark which I have read and which he wrote on Wednesday *i.e.* that “his engagements in Bombay make it very difficult to attend to-morrow,” was it not natural for everyone to believe that he had gone to Bombay as his engagements required him to do. Was it not natural that his absence on Wednesday afternoon and on Thursday morning should induce that belief? Was it not natural that the Secretary should think that Sir PHEROZESHAH MEHTA was not in Poona and to think that the Honourable Member would have intimated to him if had been able to get over his

engagements in Bombay and to stay in Poona. Well, so far as regards Thursday. It is also true, that he had no notice of the meeting on Friday, that is to say any special notice; but there was a general notice to all the members that the business of the Select Committee would be held *de die in diem*; and in accordance with the original pronouncement, a meeting was held on Friday also. There was no special notice sent on Friday to any one, and as to the Honourable Member the Secretary being under the impression that Sir PHEROZESH AH was not in Poona on Thursday, further knew that there was very important business on Friday in the Convocation Hall of the Bombay University in which Sir PHEROZESH AH was directly concerned. Therefore nobody really thought that he was on the Thursday in Poona or that even if he had any special notice of the meeting for Friday, that he would have come here leaving the business of the University in Bombay on that day? It was only on Thursday evening that it was definitely settled that they should meet on Friday. Towards the end of the day we thought we could sit on Saturday also, and as there was practically nothing to occupy Sir PHEROZESH AH on Saturday we thought that he would be able to come and give us the benefit of his experience and his knowledge of municipal administration, and assist us in our deliberations. An express telegram was therefore sent to him and also to the Honourable Mr. LALUBHAI SAMALDAS and the telegrams reached them while the business of the University was going on in the Convocation Hall. After this statement of facts I leave you to judge whether there was a genuine desire on the part of the Honourable Member to serve on the Committee. I may draw your attention to an interesting episode in this connection. I am informed on authority which I cannot dispute that this telegram from the Secretary was used by the Honourable Member in the midst of deliberations of the University Senate meeting. When some member of the Senate had the temerity to propose that the University should be saved the expense of several mofussil members having to go back and come back for the adjourned debate and that for that reason the Senate meeting should adjourn to the next day, *i.e.* to Saturday, he waved this telegram of the Secretary and said that he was wanted in Poona for the Select Committee's meeting.

The Honourable Sir PHEROZESH AH M. MEHTA :—This is not correct.

The Honourable Mr. M. B. CHAUBAL :—My information is that the Honourable Member said that as he had to go to Poona, it made it inconvenient for him to attend the debate on Saturday.

The Honourable Sir PHEROZESH AH M. MEHTA :—I say that it is not correct. I said nothing of the sort.

The Honourable Mr. M. B. CHAUBAL :—My information is from members who were present in the University, and if my statement as to what took place there is correct, then I will leave you to judge about the conduct of the Honourable Member, who crosses over the road and sends a telegram in which he said it was "impossible to attend on few hours' notice. Members are entitled to due and reasonable notice. I strongly object to being hustled because Mr. ORR leaves for Europe next week." After this, we met here on Saturday. We met in Poona on three consecutive days, Thursday, Friday and Saturday. Different Government servants were detained here. The Honourable Mr. SHEPPARD whose experience of municipal administration in Bombay was of great practical value, came from Belgaum, the Honourable the Surgeon General and the Honourable the Advocate General had to be detained here.

On the first day, we sat for three hours, on the second day we took five hours and on the third day our deliberations lasted for four hours. Here in Poona, our discussion was confined only to certain clauses of the Bill. Care was taken, in discussing the scheme for the accommodation of the poorer classes, to obtain the assistance of the Honourable Mr. LALUBHAI SAMALDAS and the Honourable Mr. FAZULBHOY CURRIMBHOY. One or the other of them was not present on some day and so the consideration of this question was postponed, until they were in a position to come and take part in the deliberations. On Saturday evening, when the next day for the meeting had to be fixed, it was represented to me that it was inconvenient for members to come from Bombay to Poona as it came in the way of their ordinary engagement, and that it would be so much more convenient if I went over from Poona to Bombay, and I consented. The next day was Thursday the 18th. of July, and on that day, we met at the Secretariat at three o'clock in the afternoon. The Honourable Sir PHEROZESHAH MEHTA did come on Thursday at three o'clock, but he was there about five minutes only. We passed over the sections that we had discussed and settled in Poona. I think he desired to say something about the Corporation's right of appeal to Government, which as he told us yesterday was worth nothing to the Corporation. He wanted to have that subject re-opened. At that moment, the Honourable Mr. ORR asked my ruling on the point whether the provisions which after three days' deliberation had been settled by a majority or I might say unanimously, should be re-opened at the sweet pleasure of a gentleman who was not present at these meetings. Mr. ORR pointed out that if members were allowed in this way to re-open questions which were finally settled, it would be impossible for the meeting to come to any conclusion for several days. I saw the force of that argument, and I had the courage to say that I shall not allow any thing which had been definitely settled, to be re-opened at this meeting. When he heard that ruling, he said, "In that case, I cannot serve any useful purpose by remaining on this Committee." I gently observed to him that there were yet certain important questions which were left over for consideration at the meeting in Bombay, and if he would kindly give the Select Committee the benefit of his experience and advice the Select Committee would be very glad. But he said that if he were not allowed to re-open such questions, he would not remain. He bundled up his papers and walked away. We held our meetings in Bombay on Thursday until 6 o'clock and the whole of Friday. You will have seen that there were most important provisions which were considered at this meeting in Bombay. We did not want to take any technical advantage, but I think and at least to my own mind, it is extremely doubtful, whether Sir PHEROZESHAH can be said legally to continue to be a member of the Select Committee, after he had gone away from the meeting saying that he could serve no useful purpose by remaining on it. I do not wish to take advantage of this technical point. The Secretary treated him, and we all treated him, as a member of the Select Committee: we sent him the report. I repeat I am not inclined to take any advantage, but if a member goes away, he must be taken to have renounced and resigned his membership. We met again on Sunday, the 23rd of July, when the report of the Select Committee was finally adopted. We were in the Council Hall from 12 noon to 6 in the evening. These are the facts as to what took place in the Select Committee, and I leave it to the Honourable Members to decide for themselves whether there is any favouritism or partiality to the younger sister at the expense of the elder, or any reasonable ground for the complaint that the Municipal Corporation was

not allowed to represent its views on the provisions of the Bill or whether the Honourable Member was hustled, and had any legitimate grievance about my ruling. It would not look dignified for me to refer to the special blandishments about want of experience and discourtesy that he extends to me in his letter. I am content that the Honourable Member should flatter himself that they enhance his reputation for courtesy or dignity. He will, however, permit me to assure him that no discourtesy was meant: nor can I be persuaded to think that there is any substantial ground for complaint about the Municipality having had no adequate opportunity of making their representation. These are the two points I had to refer to specially. As regards the other points, you will have noticed that the Honourable Member in his speech yesterday took exception to two provisions. The first was the Deferred Street Scheme, the second was the scheme relating to the Accommodation for the Poorer Classes. As to the Deferred Street Scheme, a complete answer has been given to Sir PHEROZESHAN MEHTA by other speakers. If he objects to the present portion of the scheme, he must, to be consistent, object to all the provisions about street schemes in the original Act. It was distinctly stated in my remarks on the second reading of the Bill that the Deferred Street Schemes were to be run on the same lines as street schemes, with this difference that while in the one case all properties coming within the scheme have to be acquired at once thus putting the Trust to unremunerative capital expenditure, in the Deferred Street Scheme acquisition is made according as necessity arises which saves the Trust considerable amount of money. Barring this and the special advantage of giving 15 per cent. compensation in addition to the market value of the property, both the schemes are identically on the same lines.

The Honourable Sir PHEROZESHAN M. MEHTA :—Except the frontages. If you will allow me I will point out that in case of the street schemes the Board are given by the Act power to adopt lines in the rear to be sold as frontages and improved betterment, yet in the case of Deferred Street schemes you take only the land and building within regular lines which you have laid down. The benefit is derived by the people who have land in the rear and who eventually get the frontage.

The Honourable Mr. M. B. CHAUBAL :—This is the difference between the ordinary street scheme and the Deferred Street scheme. In one case the acquisition is to be made forthwith and in the other the acquisition is to be deferred. As regards the other point as to the accommodation for the poorer classes, I do not think that Honourable Members will consider what the Honourable Sir PHEROZESHAN has said in regard to the scheme as any serious objection; because assuming it even for a moment, that all his evil forebodings about the provisions of the Bill came to be true, there can be no ground for objecting to the provisions as an experiment in the right direction. Assuming that not a single employer of labour comes forward to take advantage of this, how does any one suffer thereby: and assuming that nobody comes forward to take advantage of the provisions of the Bill, how is anybody the worse off?

The Honourable Sir PHEROZESHAN M. MEHTA :—May I say one word?

The Honourable Mr. M. B. CHAUBAL :—I hope the Honourable Member will hear me out. It has been pointed out that the liability of the Trust to accommodate those displaced on account of their operation, is still there in the Act. That is not touched; The liability of the Improvement Trust, as in the present law, for providing accom-

modation for those displaced on account of their operation, still remains. It is for the accommodation of certain classes of people that chawls are necessary. The amendment in the Act permits employers of labour to co-operate with the Trust or rather the Trust to co-operate with them by giving them the advantage of the credit of the Trust to enable them to build chawls. These are the main provisions. If they are not taken advantage of by anybody, nobody will be worse off, as I have said, and the original liability of the Trust remains untouched.

The Honourable Sir PHEROZESHAH M. MEHTA :—May I say one word ?

The Honourable Mr. M. B. CHAUBAL :—Please do.

The Honourable Sir PHEROZESHAH M. MEHTA :—The reason why I say that these provisions, even if nugatory, would be harmful is that it would give an excuse to the Trust not to perform the liability which remains under the Act and the Honourable gentlemen will remember that under section 31 the duty of the Trust is not only to provide for the poorer classes displaced by their operation, but all the poorer classes generally. The Trust have already passed a resolution that they will not recognise their liability in respect of the latter.

The Honourable Mr. M. B. CHAUBAL :—I can only state that on a careful reading of the Act and its several sections it appears to me that the liability expressly extends to only those displaced by the operations of the Trust. The other, *i.e.* the accommodation for all the poor, is a very wide question which, as the Honourable Mr. KENT said yesterday, was causing anxiety in every country in the world. It is not a task which devolves as a statutory duty on the Trust of housing all the poor in Bombay. But if I am right in saying that the original statutory liability remains unimpaired and untouched, then I think I am right in saying that whether the prophetic pronouncements turn out correct or not, there can be no objection to let the large employers of labour have that control which they seek. If it is not taken advantage of, nobody suffers. I therefore submit that the second reading of the Bill should be passed.

The Honourable Sir PHEROZESHAH M. MEHTA :—Will Your Excellency permit me to offer a personal explanation ?

His Excellency the PRESIDENT :—You cannot speak now.

The Honourable Sir PHEROZESHAH M. MEHTA :—I wish to say only a few words by way of personal explanation. It is allowed by the Rules.

His Excellency the PRESIDENT :—Very well, you can say a few words.

The Honourable Sir PHEROZESHAH M. MEHTA :—First of all in regard to what has been said about the Corporation not having been given the opportunity of placing its views before the Government, what I said on the subject was with regard to their having been given no opportunity of placing their views before the Bill was drafted. I will cite one case only. It is in regard to the representation of the Corporation on the Board. The Corporation thought if they were given an opportunity before the Bill was started, Government would be pleased to consider whether the view of the Corporation in regard to their representation on the Board, might not be included in the draft Bill instead of their being told that they came too late and that new matter could not be introduced without the previous sanction of the Government of India and the Secretary of State.

With regard to the second personal point, my Honourable friend had said that they had all understood that I had left Poona. I asked my Honourable friend to read the circular in which the members of the Committee were asked to state whether the time fixed for the meeting would suit them. I was very anxious to attend the meetings of the Select Committee on account of certain personal circumstances. I did not say that I will not attend; what I said was it was very difficult for me to do so. I deliberately left it open that if it was absolutely necessary to attend, I would come in; but I received no intimation, as I had naturally and rightly expected in consequence of that circular. My Honourable friend will remember and Mr. Percival will bear me out that when he came up to me, he said that Thursday was fixed for the meeting because it was well-known that three or four members were engaged for the University meeting on Friday. I thought if the meeting was held on Thursday it would not be held on Friday. At the University Senate meeting, I did not say that I had to attend the meeting at Poona and that it would not be right to postpone the Senate meeting to Saturday. What I said was with the telegram I had just received in my hand, see how we were asked to attend in one place and another at the very shortest notice. That was all the remark that I made. There was a great deal of confusion at the time and my remark might be understood, and was not properly reported. Supposing there was nobody to blame in consequence of my not receiving the intimation, in consequence of a misunderstanding that I had left Poona and which was partly admitted by my Honourable friend, that was sufficient reason why I should ask that certain questions which were discussed at the meetings at which I was not able to attend in consequence of my not receiving an intimation, should be reopened. In the Committee, the Chairman has not the same obligation of ruling strictly as the Chairman in a larger body has, and there was nothing more common in Select Committees for questions to be reopened more than once. As I was attempting to point this out, my Honourable friend said that he had made his ruling. I had nothing to do but bow to the ruling. Most of the important sections had been gone through and I therefore asked his leave to leave the meeting. When I left, I bowed to him and left the meeting and he will remember that I respectfully asked the permission to leave the Committee.

His Excellency the President said:—I have stretched a point in the Honourable Member's favour in allowing him to make this long explanation, and I probably broke the rules in doing so. There is only one point to which I want to refer regarding his explanation. I have a long experience of the work of Committees and Commissions, probably as great as the Honourable Member, but I have never known that when a Committee had got to a certain stage and completed its work a question could be reopened. I have never heard such a claim, and if such a claim is made I do not think it should be allowed.

Before taking the second reading of this Bill there are one or two points which I wish to emphasise, as they have not been quite sufficiently brought out in our interesting debates. This amending Bill is the direct descendant of previous drafts, and its principal provisions have, as my Honourable Colleague has explained, been known for some time. It is impossible, therefore, to regard this as a piece of hasty legislation, unless we completely revise our standards of time.

One of the most important changes is the settlement of the vexed question of the disposition of the valuable inheritance created by the Improvement Trust, to which the

Honourable Sir IBRAHIM RAHIMTOOLA referred in his most lucid and thoughtful speech. I do not think the Municipal Corporation fully appreciate the decision of the Government in favour of the claims of the elder sister. Their contributions will go to the building up of a fine property of which they will be the legatees of the younger sister. I may remind you that the elder sister, so far as I can see, is immortal, while the poor younger sister might die of anæmia brought on by insufficient nourishment or fatty degeneration of the heart, the result of over-feeding, which some Honourable Members seem to anticipate.

I explained on a previous occasion the reasons why the reconstruction of the Trust Board could not be considered in connection with this amending Bill, which only makes clear what is ambiguous in the Act. As regards the percentage of the contribution from the Municipal Corporation to the Trust's funds, it seems obvious that progressive increments of contribution must have been contemplated when the Act was passed. This point is now made clear in the Bill, and no real change of principle is involved. Any one who studies the figures will see that the revenue of the Corporation has been very largely increased owing to the operations of the Trust. This process will steadily go on, and therefore while the Municipal Corporation will continue to give to the Trust with one hand it will take back from the Trust with the other, and of every increment which the Trust brings the Corporation will retain 99 per cent.

Some hard things have been said about the Trust in this Council, and much harder things have been said outside. It has been said here that the Trust ought to have avoided all large undertakings and have devoted itself to petty schemes, which in some unexplained way would ultimately connect themselves up into a large project. In my humble opinion this view is utterly fallacious. A great city requires great schemes, and the work of the Trust has transformed large areas of Bombay by fine thoroughfares, which have gone far to bring our great city into line with modern progress. The creation of such thoroughfares is the invariable and only way of dealing with a city which has been allowed to grow up in haphazard fashion. It is the method adopted all over Europe, and the improvements in English, French and German towns arising from this policy have been immense. Good communications are the most important conditions of the development and prosperity of modern cities, and they cannot be postponed without grave injury to public interests. If the Improvement Trust had been created 30 years earlier the saving to the citizens of Bombay would have been enormous. It is very satisfactory to know that the latest project of the Trust has not only been formally pronounced by the Corporation to be essential, but deals with an area notified by them as specially insanitary. The Trust, like all other human institutions—even Municipal Corporations—may have made mistakes. It has not created as much accommodation as it has displaced, but the increase of population, due to the development of industry, has contributed at least equally to the overcrowding which we all desire to remedy.

I earnestly hope that under the operation of this amending Bill the erection of working class dwellings will be stimulated. The experiment which will be tried is an Indian proposal welcomed by Government, and I am surprised that the Honourable Sir PHEROZESHAH MEHTA should select an Indian proposal on which to pour out the vials of his eloquent wrath. I hope that Indians in this Council, and outside it, will not be discouraged by the strictures of the Honourable Member from making constructive

proposals which Government will always systematically consider and adopt if possible. The Honourable Member first declared that the housing provisions of the Bill were useless because no one would adopt them. He then went on to prove that all tenement building for the working classes in Bombay was futile for reasons which he gave. Perhaps he proved rather more than he intended, but this was the effect he produced on my mind. I do not take this hopeless view, and I believe that the movement now to be started will grow steadily for the benefit, moral and sanitary, of our working classes. The composition of the Improvement Trust Board may not commend itself to the Honourable Member, but the fact that of fourteen members of that Board eleven are now Members of the Corporation is a sufficient guarantee that the interests of the elder sister are not likely to be disregarded. I support the second reading of this Bill because I believe it is in the best interests of the City of Bombay and of the Municipal Corporation. Its provisions will remedy many patent defects in the existing Act. They will also enable a substantial and continuous advance to be made in sanitation, in the convenience of communications, and in stateliness, so that Bombay, of which we are all proud, will be enabled to take rank amongst the finest cities of the world.

Bill read a second time.

The second reading of the Bill was then agreed to.

Consideration of the Bill clause by clause.

The Bill was then considered clause by clause. Clauses one and two were passed.

The Honourable Sir IBRAHIM RAHIMTOOLA :—The amendments which stand in my name are as follows :—

(1) *To substitute* for clause 3 the following clause, namely :—

“ 3. For section 16 of the said Act, the following section shall be substituted, namely :—

‘ 16. (1) The Chairman shall receive such monthly salary as Government shall from time to time determine, provided that such salary shall not exceed Rs. 3,000 and shall not be less than Rs. 2,000. He shall, except within the period aforesaid, hold no other salaried office and, save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under the Act.

(2) For the purpose of this section and of section 22 ‘ salary ’ shall be deemed to be inclusive of any allowance to which the officer appointed may be entitled or any contribution which he may be liable to pay.

(3) The provisions of sub-section (2) of this section shall not apply to Mr. J. P. Orr, C.S.I., I. C. S., during the term of his office as Chairman of the Board.’ ”

(2) *To substitute* for clause 4 the following clause, namely :—

“ 4. For sub-section (2) of section 22 of the said Act the following sub-section shall be substituted, namely :—

‘ (2) The allowance (if any) to be paid to the Chairman shall be for such period of leave as he may have earned in the service of the Board and shall be of such amount not exceeding the amount of the salary of the Chairman as shall be fixed by Government provided that if the Chairman

is a Government officer, the amount of the allowance shall be such as he may be entitled to under the Civil Service Regulations.' ”

He said :—May I ask Your Excellency to take clauses 3 and 4 together : they deal with the same point.

His Excellency :—Yes, you may do so.

The Honourable Sir IBRAHIM :—The provision relating to absence on leave as contained in section 22, is retained in my amendment and I have added a special clause that the leave allowance shall be payable to the Chairman for such period of leave as he might have earned in the service of the Board. The present section which does not limit the payment of leave allowance to such period of leave as he might have earned in the service of the Board has led to a very serious anomaly in the actual payments made by the Trust. The want of any provision in the section that the Chairman of the Trust should be paid leave allowance for the period of leave which he may have earned in the service of the Board has led to a serious state of things. Government officers who have been appointed as Chairmen of the Trust may have at the time of such appointment earned considerable leave in Government service and the Board has had to pay leave allowances not for the period that they have actually earned in the service of the Board but also for the period of leave earned in Government service for which Government were clearly liable. The Board has had to pay leave allowances to officers of Government earned in Government services and not in the services of the Board and in consequence of such an arrangement, there have been cases in which the Board has been obliged to pay leave allowances to two Chairmen, and the salary of a third acting Chairman. Thus we have had to pay in the past for three Chairmen at one and the same time. This state of things is so obviously unreasonable that the matter was represented to Government and they were asked to set right the manifest injustice of the arrangement. Government did not refund any allowances, but all they did was that they said in future some arrangement will be made by which such a contingency will not arise. It was then arranged that the leave and pension contribution of the Chairman should be paid by the Board under the Civil Service Regulations, while the leave allowances should be paid by Government. That arrangement has continued up till now. In the amending Bill it is for the first time distinctly provided that the Board shall pay the leave and pension contribution of the Chairman if he is a Government officer. It appears to me that the time has arrived when Government should take into consideration whether the Chairman's salary, which is at present fixed at a maximum of Rs. 3,000 and the minimum of Rs. 2,000, exclusive of leave and pension contribution, should not be made inclusive of these contributions. Members of this Council who have read the proceedings of the meeting on the occasion of the first passage of the Improvement Trust Bill, will remember that the question of fixing by statute the maximum and minimum salaries was then raised. Government thought it would not be necessary to employ a whole-time officer to begin with and that the minimum of Rs. 2,000 should not be applied in his case. In the speeches delivered it was clearly indicated that the intention of Government was that in the initial stage even the salary of Rs. 2,000 was excessive and should not be put down as a minimum. What has been the actual state of things after this view was entertained at the time of the passage of the Bill? We have had Chairmen whom I think, in not a single case, we have paid less than Rs. 2,500 and for certain periods we have paid Rs. 3,000. In addition allowances and contributions have had to be paid. In some years so much as

Rs. 48,000 or Rs. 49,000 per annum has been paid by the Trust for their Chairmen. Recently it has been Rs. 42,000. The actual figure ranges between Rs. 42,000 and Rs. 48,000 according to the contributions that have to be paid. Now I ask Your Excellency whether this excessive liability should fall upon the Trust which as you have all heard in this Council from different members is not a very rich or a wealthy body. Now, sir, there is one analogy to which I wish to draw the attention of this Council. Government has repeatedly stated, and the point is generally conceded, that the Improvement Trust was created as a part of local self-Government to do substantially the work of the Municipality. It was felt that this part of Municipal work should be done by a special body on the lines of a committee, on which both Government and the Corporation should have direct representation. If that is so, I venture to inquire why a different system is applied and is proposed to be perpetuated by the amending Bill in regard to the Chairman of the Improvement Trust as against the Municipal Commissioner for the City of Bombay. Your Excellency is aware that the Municipal Act fixes the maximum and minimum salary of the Commissioner who gets Rs. 2,500 when he joins the appointment and after three years' approved service gets Rs. 3,000. These sums are inclusive of all allowances and contributions. The Municipal Corporation does not pay any leave allowance or pension contribution for the Municipal Commissioner. Now, I should like to know why in the case of the Chairman of the Improvement Trust, who is also doing Municipal duty, the same provision should not apply. If the salary of the Chairman is proposed to be Rs. 3,000 as maximum and Government have the power to give him Rs. 3,000 to start with, we ask whether it is fair that additional liability should be imposed upon the Trust in the shape of these allowances and contributions. Generally, the Chairmen are drawn from the Public Works Department. On the present occasion a distinguished member of the Civil Service was appointed for reasons which were well founded, namely, that at that time Government required to ascertain the exact financial position of the Trust in order to determine what further assistance they should render to the resources of the Trust. Mr. Orr was appointed to make this Report and he has very ably discharged that duty. I have deliberately drafted my amendment that so long as Mr. Orr remained in office the amendment shall not apply to him, and I venture to submit that the reasons I have given establish the necessity of clearly laying down by statute the total amount of the Trust liability for the salary of the Chairman. I submit that the allowances and pension contribution should be governed on the lines of the principle applying to the Municipal Commissioner. I shall draw the attention of this Council to the fact that the appointment of the Chairman is in the hands of Government who have also retained the right of making the appointment of the Municipal Commissioner. It is open to Government to appoint their own officer as the Chairman of the Trust. It is also open to Government under the Act to appoint an outsider. The law empowers them to do so. If the Chairman is appointed who is not an officer of Government, then the difficulties do not arise, because if he is appointed for a sufficient length of time he can contribute to the provident fund of the Trust, but if a Government officer is appointed, then the question of leave allowance and the pension contribution arises. As Government make the appointment of the Chairman, some of the newspapers maintain that the Trust was a department of Government. I ask the Members of this Council whether it is right and just that the Trust should be made liable for anything more than the maximum salary which is fixed under the present

Act. I feel that it is not right after fixing a maximum to get round it by requiring the Trust to pay a large sum in the shape of allowances and contributions. I hope the reasons which have appealed to me to bring forward this subject before the Council will also appeal to the Members of this Council and that they will accept my amendment.

The Honourable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—I beg to support very cordially the first amendment of which the Honourable Sir IBRAHIM RAHIMTOOLA has given notice, which goes to provide that the maximum and minimum salary of the Chairman of the Improvement Trust shall be fixed under the Act. I do not know whether the facts will be appreciated in this case and my endeavours will be more successful on the present occasion. I think the time has come when the same rule which has been adopted in the case of the Municipal Commissioner should be followed in the case of the Chairman of the Improvement Trust. The officer who has to carry out the executive functions should be paid in the simple way by fixing the maximum, and minimum salary of the post, so that the body which has to pay the salary may exactly know what it has got to pay for its Chairman. Sir IBRAHIM has stated all the arguments and I shall only content myself by saying that we take analogy of the Municipal Commissioner and Corporation with that of the Chairman of the Improvement Trust. The case for the Trust is a very strong one and I think that the precedent of the Municipal Corporation in regard to the salary of the Commissioner should be applied in the case of the Trust. My Honourable friend has recalled the debate which took place at the time of the launching of the present Act: it was I who had then ventured to point out for the purpose of supporting the view of Government in that respect that the Board of the Improvement Trust may be taken as a special committee of the Municipal Corporation, on which the Government and the Corporation were represented. That view was quoted with approval by Sir Steyning Edgerley when he took charge of the Bill of 1907. If there is this analogy between the two bodies, the principle which is thought good enough for the Municipal Commissioner of Bombay should be applied to the Chairman of the Improvement Trust. I venture to think that the work and responsibility of the Municipal Commissioner were far more onerous and complicated and varied than the heavy and responsible work of the Chairman of the Trust. In its variety and complexity the executive work of the Municipal Commissioner of Bombay was not to be compared with the much simpler work of the Chairman of the Trust. It is only those who have followed the subject that can recognise the immense strain and the immense pressure which has been put upon that officer in the performance and the discharge of his duties which rest upon him under the Municipal Act. If this is the correct view to take of the responsible duties of the Municipal Commissioner and the Chairman of the Improvement Trust, I venture to ask why the same system which has worked so well in regard to the Municipal Commissioner should not be applied in regard to the Chairman of the Trust. It is a very simple system and will be satisfactory both to the Trust and the Government, and I do not see why Government should not accept it. I, therefore, support the first amendment which has been moved by my Honourable friend Sir IBRAHIM.

The Honourable Mr. LALUBHAI SAMALDAS said:—Your Excellency,—I think it is necessary to clear up some points that have been raised by my Honourable friend Sir IBRAHIM. The question before the Council is whether the amendments of sections 16

and 22, which are brought in by clauses 3 and 4 of the amending Bill, are in favour of the Improvement Trust or against it. I submit they are in favour of it. When this question was considered in the Select Committee the matter was postponed for a time to consult the Accountant General who explained that all the anomalies brought to the notice of the Council by the Honourable Sir IBRAHIM would no longer exist under the amended regulations. So far therefore as the amendment of the sections goes there is not the least doubt that the Improvement Trust will be benefited. The next question is whether we should have a fixed salary of the Chairman of the Improvement Trust and should pay the allowances, and the Honourable Sir IBRAHIM has tried to make out a case from the precedent of the Corporation. Now, looking to the Civil Service Regulations I find that some of the officers, whose service is considered foreign service, were exempted from contributing to allowances in the shape of pension or leave allowances. The reason given was that the Chairman or the Commissioner of the Town of Calcutta, the Municipal Commissioner of Bombay, and the President of the Madras Corporation, should be exempted from the contribution, and it is said that this exemption is a substantial contribution by Government to the Municipal Revenues in lieu of the right of the local bodies to make these appointments. The Improvement Trust never had the right of appointing its Chairman and consequently the precedent of the Bombay Corporation does not apply. I do not think the Honourable Sir IBRAHIM has made out any case in favour of a similar concession being made to the Trust by Government. I therefore cannot support the amendment.

The Honourable Mr. R. J. KENT said :—Your Excellency,—With reference to the Honourable Sir IBRAHIM RAHIMTOOLA's amendment No. 1 of section 16 of the Act, when first I read this amendment it seemed to me that Sir IBRAHIM was endeavouring to cut down the salary of the Chairman of the Improvement Trust. Of course, that is a matter which any self-respecting Chairman would certainly resent, but that does not appear to be the fact at all. He fixed what in his opinion should be a reasonable minimum and a substantial maximum—a maximum of Rs. 3,000 and a minimum of Rs. 2,000 a month. It is not his intention that the officer holding the appointment of Chairman for the time being shall contribute any proportion of the pension contributions and leave allowances out of that sum. That I understand is to be borne by Government as in the case of the Municipality. Well, Sir, I have not been quite able to understand why the Government should bear any portion of the officer's leave allowances, while he is in the service of a local body such as the Municipality or the Improvement Trust. The Honourable Sir IBRAHIM RAHIMTOOLA's amendment, as he explained, deletes a certain portion of section 16 of the Act, and substitutes the following :—“The Chairman shall receive such monthly salary as Government shall from time to time determine provided that such salary shall not exceed Rs. 3,000 and shall not be less than 2,000. He shall, except within the period aforesaid, hold no other salaried office and save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under the Act”. In the next amendment is the substitution of the words in the second sub-section of section (16). “For the purpose of this section and of section 22 ‘salary’ shall be deemed to be inclusive of any allowance to which the officer appointed may be entitled or any contribution which he may be liable to pay”. The last words “which he may be liable to pay” in the Civil Service Regulations, the Honourable Sir IBRAHIM RAHIMTOOLA adheres to in his amendment, but they have been deleted by a

Select Committee under the advice, I understand, of the Accountant General. I am not in a position to say why the Accountant General has inserted the words unless it is that the Civil Service Regulations are so exceedingly complicated. As a matter of fact, no one understands them and in difficulties of this kind, when the Accountant General finds himself in difficulty, he has to go to Government and a separate Government Resolution has to be passed. Now, it seems desirable in the case of a body like the Improvement Trust, as in the case of the Municipality, that the service of the officer shall be as continuous as possible. Any break in continuity of service is distinctly bad for the administration of the department and it is therefore desirable, I think, when an officer is appointed to such a department, that he should certainly be appointed for a specific number of years—not less, perhaps, than five years. The whole point of the Honourable Sir IBRAHIM RAHIMTOOLA's amendment seems to be that the Trust should be called upon to pay no leave or contribution allowances. There are specifically figures mentioned, Rs. 2,000 and Rs. 3,000, so that the Board will be in a position to know exactly what they have to pay at any time. I see absolutely no reason for throwing the burden of the pension contribution and leave allowances upon Government. I consider when an officer is appointed to a foreign body it is the duty of the foreign body to contribute to the leave allowances in all fairness,

The Honourable Mr. M. B. CHAUBAL said:—Your Excellency,—I must oppose the amendment. In mentioning my reasons for this opposition to the amendment I might be permitted to say that I do not see the propriety of the remark which appears in the minute of dissent to the Select Committee's report that the time has *now* come to fix in the Act the minimum and maximum salary payable to the Chairman at Rs. 2,000 and Rs. 3,000 respectively inclusive of all allowances and contributions. In connection with the present rule, I think I may be permitted to mention that the provision about the salary of the Chairman was come as a recommendation of the Select Committee on which, by the by, Sir PHEROZESHAH had served when the original Act of 1898 was passed, and Government accepted that recommendation. It was at that time thought that if a senior officer of Government should serve as Chairman of the Trust he should get the maximum salary of Rs. 3,000 plus the allowances. That was recommended by the Select Committee, of which the Honourable Sir PHEROZESHAH MEHTA was a member, and it was accepted by the Government. I think it will be admitted on all sides that during the last fourteen years, if anything, the responsibility and onerousness of the duties of the Chairman of the Trust has certainly not diminished, and therefore the proper way of looking at this amendment would be that if a certain principle of remuneration were adopted then it has not been shown now in the discussion that these duties have become less onerous and less responsible so that the salary requires to be reduced. The Honourable Sir PHEROZESHAH MEHTA has now told us that the duties of the Municipal Commissioner are very heavy and the duties of the Chairman of the Trust are equally heavy if not more onerous. If this is so, there is another way of looking at the things. We should not take the standard of the Municipal Commissioner as the last word on the subject. The complaint of the Commissioner may be that he was put in a disadvantageous position as the rule applied to officers in similar situations as his was not followed in his case. The proposal in the present case is contrary to the practice prevailing in Karachi and Bombay Port Trusts and the Calcutta Improvement Trust. The salary proposed to be given to

the Chairman of the Trust by this amendment was less than that of the Chairman of the Calcutta Improvement Trust, and that of the Chairman of the Calcutta Corporation who draws Rs. 3,500 a month and other allowances as well. Well, certainly I think that the duties of the Chairman of the Bombay Improvement Trust are not less onerous and less responsible than those of similar officers in Calcutta and it may be quite a legitimate grievance on the part of the Municipal Commissioner that the remuneration fixed in his case is less than that fixed in the case of the Chairman of the Improvement Trust. The other side of the question should also be borne in mind. Looking to the duties that these officers have to perform Government have to appoint officers in the higher grades of senior collectors to those places. Then is it not right to hold that officers of that grade serving on bodies like the Municipal Corporation and the Improvement Trust should be deemed to be in Foreign Service and what reason is there that such officers should be deprived of the benefit which the rules relating to Foreign Service give them. It may be pointed out that if the amendment is accepted senior officers of the grade I have named will hardly think it worth their while to accept the appointment of the Chairman of the Trust if his remuneration is reduced as recommended. For these reasons I beg to oppose the amendment put before this meeting by the Honourable Sir IBRAHIM RAHIMTOOLA.

The Honourable Sir IBRAHIM RAHIMTOOLA, in reply, said :—Your Excellency,— Three speeches have been delivered against the amendment which I have placed before this Council. The first one was delivered by my Honourable friend Mr. LALUBHAI SAMALDAS, the second was by the Honourable Mr. KENT, and the third by the Honourable Mr. CHAUBAL. Taking them in order I will first deal with the remarks made by the Honourable Mr. LALUBHAI. Though he said that he opposed my amendment he supplied the strongest reason in favour of it. What was his argument? He said that looking to the Civil Service Regulations he had found them applicable to the case. He went on to argue that some time before the passing of the orders, which he quoted from an extract, these officers were appointed by the local bodies and that Government took over the appointment from them and that in consideration of taking away the power of appointment of the three officers he had named the substantial contribution in the shape of leave and pension contribution was made by Government. Now, Your Excellency will permit me to correct him in one respect on which the whole of his argument is founded. Having spent some years in the Municipal government of the City of Bombay I am able to say that these officers were never appointed by local bodies and the principle enunciated in the extract that he has read is the principle of the theory of local self-government, namely, that if a Municipal corporation is entrusted with the Municipal government of a specified area they have got the right to appoint their own officers: that is the theory underlying the principle of local self-government. Government thought that this power which belonged in theory to the local bodies should for reasons of public policy be retained in their own hands. They therefore thought it would be right to exempt these Municipalities from payment of leave and pension contributions of the Commissioner. This is how I understand the extract. It stands to reason therefore that both the appointments, the Municipal Commissioner and the Chairman of the Improvement Trust, should be treated on the same footing. Under the theory of local self-government the right of making these appointments should vest in the Corporation and the Board of Trustees As Your

Excellency is aware that is not so in actual practice. Under the Municipal Act the power of appointing the Municipal Commissioner has been retained in the hands of Government. In the same manner the appointment of the Chairman of the Trust has been vested in Government. There is not the slightest difference of opinion that the work of the Improvement Trust is as it were a part of Municipal work and therefore the appellation of the younger and elder sister has been repeatedly employed in the present debate. It has been repeatedly admitted in the Corporation and the Trust that the work which the Improvement Trust is doing forms part of Municipal duties and Municipal functions. If that is so, the theory applicable to local self-government applies to the Trust. The power of appointing the Chairman is not conceded to the Trustees: it has throughout been retained in the hands of Government. If that point is conceded it supplies further answer to the points which the Honourable Mr. KENT and the Honourable Mr. CHAUBAL have raised. Does this appointment rightly fall under the category of foreign service? If it does not, then the question cannot apply. If the classification of foreign service is applied, it is applicable to the Municipal Commissioner as well. Both the appointments are identically of the same nature and I venture to appeal to Your Excellency to place them on the same category and to waive the claim against the Trust for leave and pension contribution as they have waived it against the Municipal Corporation. The Honourable Mr. CHAUBAL's argument was that it would be difficult to secure the services of senior collectors for the office if my amendment was accepted. I have already pointed out that though the appointment is in the hands of Government all its Chairmen, except the Honourable Mr. ORR, belonged to the Public Works Department. I do not wish to go into that matter as I feel that it is quite unnecessary to do so. It has been argued that the Chairman of the Port Trust gets his salary exclusively of these contributions and that the Port Trustees have to pay these in addition to his salaries. That is so, but I venture to submit that there is no analogy between the two cases. No one can possibly contend that the Port Trust has been constituted to do any Municipal work. Therefore the proper comparison must be with the Municipal Commissioner and not with the Chairman of the Port Trust. The next argument that the salaries of the Chief Officer of the Calcutta Improvement Trust and the Calcutta Corporation were the same, namely, Rs. 3,500 plus leave and pension contribution, actually supports my amendment. It shows clearly that the same principle is followed in the case of both the Trust and the Corporation: that the appointments are considered identical and are on the same basis and that both the officers are on the same footing: if that is so, it furnishes the strongest argument in favour of my amendment. If the salary is higher in Calcutta, the cost of living there is also higher. I have not decided upon the maximum and the minimum in my amendment. I have merely copied the maximum and the minimum that the law has laid down under the present Act. I am not making any variation: there is no question of reducing the salary; I have never asked that the salary should be reduced; my amendment seeks that the same principle of leave and pension contribution which is applicable in the case of the Municipal Commissioner should also apply to the Chairman of the Trust. I venture to submit that the principle underlying my amendment is obviously reasonable and should appeal both to Government and this Council. I am indebted to the Honourable Mr. LALUBHAI and the Honourable Member in charge of the Bill for supplying me with the strongest arguments as to why my amendment should be accepted, and I trust it will be accepted.

His Excellency the President :—I have but a few remarks to offer on this amendment. I think myself it is not wise for the Improvement Trust to tie itself up in a legal knot as regards the remuneration of its Chairman. It is everything in this world to get the best man for a particular post, and if you tie yourselves in a knot you may find you cannot on some future occasion get the exact man you want, and that would be a pity. On the other hand, if you fix a legal maximum the tendency of human nature is always to work up to that maximum, and you may be so fortunate as to get a really good man at less than the maximum sum. I am afraid I do not agree that the positions of the Municipal Commissioner and the Chairman of the Improvement Trust are directly comparable. The one acts directly under the control of the Corporation and the other has heavy direct responsibilities in guiding the Board on very important subjects. I think there is an essential difference in these two positions. Lastly, I understand that the provision in the amendment of the Honourable Member is less liberal than is proposed in Calcutta, and I confess I do not wish that Bombay should be in any respects whatever less liberal than Calcutta.

His Excellency the President (to the Honourable Sir IBRAHIM RAHIMTOOLA) :—Would you like me now to put the two amendments together ?

The Honourable Sir IBRAHIM RAHIMTOOLA :—Yes, they all hang together.

The amendments were then put and declared to have been lost.

His Excellency the President (to the Honourable Sir IBRAHIM RAHIMTOOLA) :—Would you like to have a division ?

The Honourable Sir IBRAHIM RAHIMTOOLA :—No, Your Excellency.

Clauses 3 and 4 were then carried.

Clauses 5, 6, 7 and 8 were agreed to.

The Honourable Sir IBRAHIM RAHIMTOOLA next moved the following amendment which stood in his name :—

In clause 9 for new section 27A to substitute the following section, namely :—

“27A. If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 27, and if the owners of such land shall prove to the satisfaction of the Collector that at the date of such notification building operations were in progress on the said land or on any part thereof, the Collector may after giving notice to the Board proceed forthwith with the acquisition of the said land or the said part thereof with a view to its transference to the Board :

Provided that in the event of the Collector deciding not to proceed with the acquisition of the land in question the owner of the said land will be at liberty to complete the building in accordance with the plans previously sanctioned by the Commissioner and the disability provided in section 49 of the Act shall not apply.”

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Your Excellency, it appears to me that there was some misapprehension in the minds of the Members of the Select Committee in regard to this amendment when I moved it in the Select Committee and it was, therefore, not accepted. I am putting forward this amendment on the

following lines. Your Excellency will see in the draft Bill as originally submitted to this Council and as drafted by Government that I have taken absolutely word for word clause 27A, as it originally stood. I am asking the Council in the first part of my amendment that the draft of the clause as approved by Government and submitted to this Council for acceptance be adopted. I also wish to add a proviso to that clause to make it fair both to the Trust and to the public concerned. The Select Committee recognised the force of the argument which I advanced and they have decided to meet this objection in the manner indicated in the report of the Select Committee. The distinction between the original draft as submitted by Government and the clause as drafted by the Select Committee is this :—In the original draft the Collector had option given to him of deciding whether a particular property in course of construction was to be acquired immediately after notification or not. If he exercised that option in favour of acquisition, the Trust were obliged to acquire it, but if he decided otherwise the owner of the house remained under the disabilities of section 49 as under the present Act. The Select Committee has taken away the option of the Collector and made it obligatory upon him to acquire the property if the work of construction has reached the first floor level, while all other properties under construction which have not reached that stage are left out. The owners of these will therefore remain under the present disabilities, which have been seriously complained against and the justice of their grievance is admitted on all hands. I will draw the attention of the Council to the disability and serious loss which the house owners have been subjected to, in the past, in consequence of the long delay which has arisen in many cases between notification and declaration. The disability which section 49 imposes upon them inflicts on the house-owners a substantial injury. It lays down that no compensation shall be paid for improvements, alterations and additions which the house-owner may carry out after the date of notification. This means that during the several years which have elapsed between the dates of notification and declaration, the owners of houses included in a scheme of the Trust, have not been able to deal with existing properties in the matter of additions and alterations and that the properties in course of construction have had to be kept in an unfinished condition all these years under a penalty of not receiving any compensation for any work done after the date of notification. My amendment provides for the manner in which the disability should be removed. I am entirely in agreement with the liberal provision that is made in section 27B, which deals with existing houses. The question is therefore in regard to those properties which may be in course of construction. They might have reached different stages of construction. In some cases small amount of work might have been done, while in other cases only a little work might have remained to be carried out. There must be various different stages to which the work of construction might have progressed at the time of the issue of notice. It is not right that a man who had received sanction to his plans, and who is constructing the building, that he should be deprived of the right of further proceeding with the work under a penalty of not receiving any compensation for it. It occurs to me that it would be best in *these* circumstances not to wait for the declaration but to acquire the property at that stage so that the house owner would get the market value of the property, as on the date of notification, in proportion to the actual amount of work he might have done till then. As a safeguard against undue advantage being taken, if all buildings in course of construction were required to be acquired, I suggested that the discretionary power of the Collector which was originally provided in the Bill should

be retained and a proviso added that in the event of the Collector deciding against acquisition, the owner should be authorized to complete the building in accordance with plans sanctioned by the Municipal Commissioner prior to the date of notification. This view did not appeal to the Select Committee and they therefore decided by a majority to provide that in all those cases in which the building work had progressed up to the first floor level it should be made obligatory upon the Trust to acquire the properties. I will invite the attention of the Council to the manifest objections to this course being adopted. A building may be originally intended to consist of a ground floor and three upper storeys. The ground floor and a portion of the first storey may be complete. The Trust will be bound that that building shall be acquired by the Collector. Take another instance, having a ground floor only to be constructed. It might not be complete and the Board will not be compelled to acquire it. What will the Board do with the building in the first illustration? Is it intended that the Board should complete the building and rent it pending the decision of Government whether they will sanction the scheme or not? Is it wise to impose such obligatory provisions in the Act? Take the latter illustration. The sanctioned plans merely indicate the building of a ground floor structure. It may not be complete, and the Board has no power to acquire it even if they are inclined to do so. How does this procedure affect the house-owner concerned? He has to leave the work unfinished and allow the property to rapidly deteriorate. If he proceeds with the work and completes it with a view to get rents he does not get any compensation for doing such work. He remains under the existing disabilities, which everyone recognises to be manifestly unfair. I therefore feel that both in the interests of the house-owners and the Trust such hard and fast statutory obligations are not desirable, and that a discretionary power which the draft Bill originally conferred upon the Collector should be retained, subject to the safeguard which I have provided in my amendment. The Select Committee makes it obligatory by statute to acquire a building in course of construction if it has reached the first floor level, while I say that the question of acquisition should be left to the discretion of the Collector. If the Collector decides to acquire the property at that stage, then there is nothing further to be said. If the Collector decides otherwise and declines to proceed with the acquisition of the property in question, then the owner should be relieved of the disabilities of section 49 and he should be allowed to proceed with the work, complete the building and rent it. In order that no undue advantage may be taken of this liberty, I have provided that the further building work to be carried out by the owner shall not be in excess of the plans previously sanctioned by the Commissioner under the Municipal Act. I cannot understand what possible objection there can be to the acceptance of my amendment. The Board is given the discretion either to acquire the property immediately after notification or to relieve the owner from the disabilities of section 49. How can anyone object to such a procedure? The Select Committee imposes a statutory obligation to acquire properties which may have reached a certain stage of construction, whether the Board consider it desirable or not, and accentuates the hardships of the house-owner whose building may not have reached that stage. This course is open to serious objection both from the point of view of the Board and that of the house-owner. I feel confident that Your Excellency will appreciate the advantage of the course I am suggesting, *viz.*, to give the Collector a discretion in the matter and to give the house-owner the liberty to complete the work according to sanctioned plans if the Collector exercises his discretion against him. I am sure if this amendment is properly appreciated

there cannot be the slightest objection to its acceptance. It places the whole matter in a far more satisfactory manner than the hard and fast ruling of the Select Committee. I hope the amendment which I have moved will appeal to the Council.

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—In connection with this amendment I am bound to oppose it because I think on the whole there is not much force in the argument with which the Honourable Member is trying to support it. As I said in moving the Second Reading of the Bill, the first clause of the Honourable Member's amendment makes one mischief extremely probable in a city like Bombay. You must be all aware that schemes of improvement get wind and people get information beforehand. It is possible that some owners of property in Bombay might just make a trench or an excavation for the foundation or might stock a few pieces of timber for the building, so that he might be able to say that building operations were in progress. In order to stop any mischief of this kind, the Select Committee, in consultation with Mr. KENT, changed that wording into the present wording that the building must be structurally complete up to the first floor. As regards the other point mentioned by Sir IBRAHIM RAHIMTOOLA about there being houses already built up to two storeys and that the Trust will be put to the unnecessary expense of acquiring it before declaration, I think it is not a disadvantage because the Trust can utilise the house if it fell upon their hands. It will not be a loss to the Trust because they can make profit by renting such houses. If you accept the amendment you open the door for mischief which becomes probable in the circumstances mentioned. On the other hand, once a Collector is satisfied that substantial building operations are in progress, it will force the Collector and the Trust to acquire the property. The amendment to the original Bill as proposed by the Select Committee is carefully worded. I therefore ask the Council not to accept the amendment proposed by Sir IBRAHIM RAHIMTOOLA.

The Honourable Sir IBRAHIM RAHIMTOOLA, in reply, said :—Your Excellency,—I beg to submit with all deference to what has fallen from my Honourable friend Mr. CHAUBAL that the arguments advanced by him can hardly be regarded as consistent. In the first part of his speech he said it was not right to enable the house-owner to force the Improvement Trust to acquire his property if the building operations were in progress, and in the concluding portion he said that he should be allowed to force the Trust to acquire it if the work has gone up to the first floor level. He further contended that if the building was intended to be a three storied one, it would be to the advantage of the Trust to acquire it. Does the Honourable Member mean to say that the Trust should carry up the building three storeys high, and then rent it, and if the scheme is not accepted by Government that the Board should become the owner of that property in an isolated part of the town? In my opinion, the Collector should be given discretionary power to determine in each case whether, having regard to the facts placed before him, he should acquire it or not. In the event of his deciding that he should not acquire it, then the owner should be allowed to complete the building according to sanctioned plans. The only argument advanced against my suggestion is that the schemes of the Trust somehow or other get wind before they are notified to the public and the result is that the people at once acquire land, get architects to prepare plans and by merely digging the foundation and putting up a little work become entitled to call upon and compel the Improvement Trust to acquire their property. I am afraid this argument has

been based upon a non-appreciation of the real facts of the case. The fact is that people do not want the Improvement Trust to acquire their properties. As is well known the general impression is that the Trust does not pay adequate compensation. The charge of confiscating property is freely levelled against the Board. In the face of this fact it is to mind quite absurd to argue that because the information as regards schemes contemplated by the Trust leaks out, it will lead people to hasten to acquire vacant pieces of land within the limits of the proposed schemes, employ architects, get plans prepared, obtain municipal sanction and undertake the work of construction, merely to force the Trust to acquire the property in question immediately after notification. I may point out that the mischief apprehended by my Honourable friend cannot be easily done. Experience shows that it takes from three to six months before the Municipality passes such plans, and the house-owners consequently are not in a position to do what my Honourable friend apprehends. I should like to enquire where it is in my amendment that the Board should be forced to acquire all properties in course of construction, within the limits of a notified scheme. My amendment does not contemplate anything of the kind. It is the recommendation of the Select Committee which makes it under certain conditions obligatory upon the Trust to acquire these buildings. I am merely asking that such statutory obligation should not be imposed. All I desire by my amendment is that the Collector should have the option of declaring whether a particular property in course of construction should be acquired or not. If the decision is against acquisition, then the owner should be granted liberty to proceed with the work and complete the building according to sanctioned plans without applying to him the disabilities under section 49. It is manifestly unreasonable that the owner of a house under construction should not be allowed to complete his building after the Board has decided not to acquire it in its then conditions. To leave him for a long time in a state of uncertainty and incurring heavy loss is quite unjust. Looking from the point of view of the Improvement Trust and of the general public, I do not see there can be any possible objection to investing the Collector with this discretionary power under the safeguard indicated. It is in the interests of both these bodies that I am pressing my amendment for acceptance and I trust the Council will accept it.

His Excellency the President :—The only point that occurs to me is that I am a little sorry for the Collector if he has to decide what measure of building operations constitutes building progress. One Collector might give one decision and another Collector might give another decision, and when again this Bill is amended we shall be getting a demand for an appeal to the High Court or the Privy Council as to how many bricks constitute progress or how deep a hole constitutes progress.

The amendment was then put to the vote and was lost.

The Honourable Sir IBRAHIM RAHIMTOOLA asked for a division. The result was as follows :—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.

The Honourable Mr. Gulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.

Noes.

His Excellency the President.

The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. Mahadev Bhaskar Chaubal, C.S.I.

Aves.

- The Honourable Mr. Raghunath Pandurang Karandikar.
- The Honourable Mr. Gokuldas Khandas Parekh, LL.B.
- The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
- The Honourable Mr. Manmohandas Ramji.
- The Honourable Mr. Chimanlal Harilal Setalvad, LL.B.
- The Honourable Khán Bahádur Syed Allahando Shah Yusif Shah.
- The Honourable Mr. Harchandrai Vishindas, LL.B.
- The Honourable Mr. M. de P. Webb, C.I.E.

Noes.

- The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E., I. C. S.
- The Honourable the Advocate General.
- The Honourable Moulvie Rafiuddin Ahmad, Bar-at-Law.
- The Honourable Mr. Reginald Pocock Barrow, I. C. S.
- The Honourable Mr. Duncan Carmichael.
- The Honourable Mr. George Carmichael, I. C. S.
- The Honourable Sardár Ráo Bahádur Motilal Chunilal.
- The Honourable Mr. George Seymour Curtis, C.S.I., I. C. S.
- The Honourable Sardár Purushottamdas Viharidas Desai.
- The Honourable Mr. Fazulbhoy Currimbhoy Ebrahim.
- The Honourable Sardár Syed Ali El Edroos.
- The Honourable Mr. Siddhanath Dhonddev Garud.
- The Honourable Sardár Narayanrao Govind *alias* Baba Saheb Ghorpade, Jághirdár of Ichalkaranji.
- The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Amod.
- The Honourable Lieutenant-Colonel J. Jackson, M.B., I. M. S.
- The Honourable Sardár Shambhusing Amarsing Jadhavrav Ráje of Málegaon.
- The Honourable Mr. Robert Jackson Kent, A.M.I.C.E.
- The Honourable Mr. Lalubhai Samaldas Mehta.
- The Honourable Mr. G. P. Millett.
- The Honourable Sardár Ráo Bahádur Yashavantrav Trimbak Mirikar.

Ayes.

Noes.

The Honourable Sardár Dávar Kai-
khosro Edalji Modi.

The Honourable Sardár Cooposwamy
Viziarungum Moodliar.

The Honourable Dr. Temulji Bhikaji
Nariman, L.M., F.R.M.S. (London).

The Honourable Mr. Abdul Husein
Adamjee Peerbhoy.

The Honourable Mr. F. G. Pratt,
I. C. S.

The Honourable Mr. R. D. Prior.

The Honourable Ráo Bahádur Shrini-
was Konher Rodda.

The Honourable Surgeon-General H.
W. Stevenson, C.S.I., I. M. S.

The Honourable Khán Bahádur
Nowrojee Pestonjee Vakil, C.I.E.

The Honourable Mr. C. H. Wilson,
C.I.E.

The amendment was accordingly lost by 33 votes to 10 and the clause was agreed to as it stood.

The Honourable Mr. M. B. CHAUBAL:—Your Excellency,—I have to propose two slight verbal alterations in clause 10, section 32A (4) (b). I wish to put in the words “may be otherwise” after the word “he” and to drop the word “is”. The clause will then read as follows:—

“(b) In such case the owner shall be entitled to receive, in addition to any compensation to which he may be otherwise entitled under this Act, a sum of fifteen per centum on the market value of the property at the date of the expiration of the period mentioned in clause (a)”.

Then in clause (d) in the last line a verbal amendment is also necessary in regard to the words “the said Act”. The words “the said Act” naturally refer to the Improvement Trust Act which is not what is meant here. Between the word “said” and the word “Act” I would put in the word “last-mentioned.”

The amendment was accepted and the clause 10 as amended was passed.

Clauses 11 to 26 were then put to the vote *seriatim* and agreed to.

The Honourable Mr. M. B. CHAUBAL:—I have to request Your Excellency to suspend the rule which requires 7 days' notice for moving an amendment. The amendment which I wish to move is one of those which Government have consented to adopt in consequence of the representation of the Corporation. In Government's reply to the Municipal Corporation it was suggested that if its representative in the Council would move an amendment on this point it would be accepted. However, no amendment has been proposed, but as Government think that it is reasonable to adopt its suggestion,

I beg to move the amendment. It is this that in clause 27 between section 71A (1) and 71A (2) the following proviso should be added :—

“ Provided that before making an application to the Government of India, under this sub-section Government shall obtain the opinion of the Corporation on the proposed dissolution of the Board, and, when the said application is made, the opinion of the Corporation shall be forwarded to the Government of India with the application.”

His Excellency the President :—I agree to the suspension of the standing orders in order to meet the wishes of the Municipal Corporation.

The amendment was agreed to and clause 27 as modified was carried.

The Honourable Sir IBRAHIM RAHIMTOOLA had given notice to move the following amendment :—

In clause 28 to add the following proviso to section 72, namely :— “ Provided that no part of any arrears of General Tax for 1910-1911 and previous years shall be taken into account in determining the amount of contribution payable by the Commissioner to the Board.”

The Honourable Sir IBRAHIM RAHIMTOOLA :—May I ask Your Excellency's permission to allow me to correct a mistake? I have put the figures 1910-1911 which ought to be 1911-1912.

The permission was granted and the Honourable Sir IBRAHIM moved the amendment thus amended.

The Honourable Sir IBRAHIM RAHIMTOOLA said :—I understand, Your Excellency, that Government are willing to accept this amendment. I will therefore not take up the time of this Council but content myself with moving formally that this amendment be accepted.

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—As I have already stated when moving the second reading of the Bill as amended by the Select Committee that Government are prepared to accept the amendment proposed in this respect by the Honourable Member as Government see the fairness of the contention that the outstanding of the years 1911-1912 and the previous years should not be taken into account.

The amendment was carried, and clause 28 as modified was agreed to.

Clauses 29, 30, 31 and 32 were then passed.

The Honourable Sir IBRAHIM :—Your Excellency,—I beg to move that in clause 33 the following words be omitted, namely, “ in the Bank of Bombay or”. This amendment has also been accepted by Government and I now formally move it.

The Honourable Mr. M. B. CHAUBAL :—For the reasons I stated when moving the second reading of the Bill Government are prepared to accept this amendment.

The amendment was carried, and clause 33 as amended was agreed to.

The remaining clause 34 was then agreed to, so also the preamble to the Bill.

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—The Bill having been read clause by clause, I now move that it be read a third time and passed into Law.

The third reading was then carried and the Bill passed.
Bill read a third time and passed.

A BILL FURTHER TO AMEND THE BOMBAY VILLAGE POLICE ACT, 1867.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR :—Your Excellency,—
 The Honourable Mr. R. P. KARANDIKAR moves to postpone his motion for leave to introduce a Bill further to amend the Bombay Village Police Act, 1867. In view of the Bill which is likely to be presented to the Council on behalf of Government, I beg to be allowed to defer to the next sessions my motion for leave to introduce this Bill.

His Excellency the PRESIDENT :—I understand the Honourable Member wishes to defer consideration of this Bill?

The Honourable Mr. KARANDIKAR :—Yes.

The motion was agreed to.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable Mr. KARANDIKAR said :—Your Excellency,—The resolution which I have the honour to present to this Council is in almost identical terms with the one of which my Honourable friend Mr. GARUD has given notice. Perhaps it would suit the convenience of the Council if I were to move my resolution first, and if my honourable friend has no objection he may second it. The resolution which I propose is: "That this Council recommends that Government may be pleased to re-consider the arrangement whereunder only Rs. 1,55,000 come annually to be allotted to District Local Boards as compensation in lieu of one anna cess in every rupee of the Excise Revenue." The Honourable Mr. GARUD's resolution is a mere variation. It runs as follows:—"That this Council recommends that the Government of India be requested to revise the fixed contribution to the District Local Board in lieu of the one anna in the rupee A'bkári Cess and to permit a payment of their dues from the Abkári Revenues." Thus the Council will see that in spirit both the resolutions are the same. But they proceed on two different considerations which I will try to develop in the course of the few remarks which I beg to offer for the consideration of the Council. The compensation referred to in the above resolution has a short story about it and can be summarised in a few words. It was in the year 1869 that an enactment was passed by the Bombay Government. It is important to mention the date, because it may have some bearing on the question of the subsequent Acts passed in the matter. To be accurate, the legislation was undertaken by the Government of Bombay in February 1869 and the Act obtained the assent of the Viceroy in April 1869. Before this Act was passed, another enactment of 1865 was passed in reference to Sind, and consequently I shall have to remind honourable members here that it is possible that the honourable members representing Sind may not feel that interest in this question which we in the Presidency proper feel. Again, there are honourable members representing the City of Bombay, who may perhaps not have an interest in common with us on this resolution, because of the fact that under section 66 of the Abkári Act of 1878 a revenue of Rs. 1,46,000 has been permanently settled on the Bombay Municipality in lieu of its claim on the excise revenue. But looking to the literature on the point, I find that when this amount of Rs. 1,46,000 was fixed for Bombay, a question was asked by an honourable member—I do not know whether he represented the Bombay Corporation on that occasion—as to whether the Bombay Municipality had been consulted in

reference to this matter. The answer given was that the amount was settled in reference to the figures obtained from the Municipality. It is not clear to me whether the answer conveys the idea that the consent of the Corporation was obtained. I find that there is nothing in the proceedings of the Council to show that the Municipal Corporation had agreed to the amount. For this reason the honourable members for the City of Bombay perhaps may not be quite with us on this resolution, because their interest has been already settled according to law, whether with their consent or otherwise. But the case for the Bombay Presidency is quite different. In 1869, when this Act was passed, it was enacted by section 6 that it shall be lawful for Government to charge one anna cess on every rupee of land revenue, as also from the salt revenue. That was in 1869. Accordingly the tax came to be collected and it went on up to a certain time, when circumstances developed into some relations between the Local Committee on the one hand and the Government on the other—relations which are quite clear. But under the scheme of 1870 the Government of India handed over certain revenues to the Government of Bombay for disposal and out of this certain items were assigned to the Local Committees under the Act of 1869. From 1869 to 1873 there does not appear to have been much discussion on this question of a cess of one anna in every rupee of excise revenue. But in those days the excise revenue used to be farmed as now, and according to the Act that was leviable from farmers. The years 1872 and 1873 brought about a considerable change at the instance of the Government of India, possibly owing to some representations having been made by the Government of Bombay, but about which I am not in a position to make a definite statement. Probably I may hear something more on the subject during the discussion on this resolution. A Commentator on the Local Board's Act summarises the Government resolutions on the point by observing that it was the Government of India that took objection to this one-sixteenth of the excise revenue going from their hands into those of the Local Committees in consequence of a resolution passed by the Local Council. Now, of course, in those days the Government of Bombay stood towards the Government of India in the same relationship in which the Local Boards now stand to the Bombay Government. Possibly they may have protested against the orders of the Government of India, but at last had bowed to the decision of that Government. Later on came up the *Abkari* Act in 1878, and it was about that time that the dispute between the Bombay Government and the Bombay Corporation arose and was eventually settled, as I have already stated, by Government making a grant of Rs. 1,45,000 to the Corporation.

Now, this question did not attract public attention so far, because of the circumstances which were subsequently explained by the Honourable Mr. TREVOR in reply to certain criticism passed by the Honourable Mr. RANADE in 1893. In explaining why the financial statement had not been presented to the Bombay Government prior to 1893, the Honourable Mr. TREVOR explained that the orders of the Government of India were explicit on the point but that probably they did not consider it necessary to present a financial statement to the Bombay Legislative Council prior to that year. So up to 1893 the public had shown no interest in the question. But directly the financial statement was presented in 1893 the Honourable Mr. RANADE was the first gentleman who spoke on the point. I will only read what occurred on that occasion. Mr. RANADE thus observed in 1893 :—“The Local Government has only been able to allot Rs. 2,590 to improve Village Sanitation and a lakh and-a-half for improving water-supply. This

lakh and-a-half is intended to supplement the Local Funds in cases where the District Boards in charge of these Funds are prepared to contribute double the amount. The Village Sanitation Act passed 3 years ago remains virtually inoperative on account of want of funds and it appears to me that but for railway expenditure these funds could be largely spared. It is true Government contributed about 4 lakhs in 1889, 5 lakhs in 1890, 6 lakhs in 1891 and 1892, about 7 lakhs to the Local Funds, 5 lakhs for schools and about 2 lakhs for water-supply and Sanitation. These funds have, however, a claim upon Government, which is not adequately met by these contributions, large as they no doubt are. The Local Funds Act of 1869, section 6 legalises the levy of one anna in the rupee, or Land Revenue, and one anna on sair revenue, of which latter head the A'bkari farm Revenue is the most important. The compensation paid by Government to the Local Funds for the one anna cess on the A'bkari Revenue was fixed at $1\frac{1}{2}$ lakhs about 1873 which may have been a fair proportion at that time. Since then the A'bkari Revenue has increased nearly fourfold, and it is nearly a crore and the amount of this compensation continues to be what it was 20 years ago. At the present rate the Local Funds have a claim upon Government to receive about 5 lakhs more from the A'bkari Receipts. The Local Boards Act of 1884 has not repealed section 6 of Act III of 1869 and as long as the provision continues on the Statute Book, this claim is one which the Government is bound to recognize. If this contribution were made to the Local Funds the difficulties at present felt in the way of promoting useful Civil Works, Education, Sanitation and Medical relief would to a great extent be minimized."

The Honourable Mr. RANADE said that the amount was fixed at Rs. $1\frac{1}{2}$ lakhs about the year 1873, and this is corroborated by a certain Government resolution about which I hope to hear more in the course of discussion on this motion. As to when it was fixed, and on what consideration, and why, are things which the public possibly may not know adequately. But the Honourable Mr. TREVOR in reply to what had fallen from Mr. RANADE said:—"The only remaining point that I need notice is that raised by Mr. RANADE in regard to the claim of the Local Funds to a much larger revenue, calculated on A'bkari receipts, which Mr. RANADE assumes to be an item of sair revenue than they at present receive. That is a matter, which I think, it will be desirable to reserve for farther consideration. But I may mention now that "sair" revenue consists of miscellaneous items of land revenue and it has been specifically ruled that the Local Funds Cess is not leviable on A'bkari Contracts. The lump payment referred to by the amount of a tax on toddy trees then levied under the name of 'Baddene' as an item of land revenue, and the point for consideration will be how far the legality or sufficiency of the payment is affected by the altered circumstances now obtaining."

That was said in 1893. Now this matter was further referred to in the subsequent meetings of the Council and that you will find in the Council's proceedings of 1894, 1895 and 1896. But the discussion in 1896 was very much interesting and particularly the remarks offered for consideration of the Council by the Honourable Mr. KIRKHAM and the Honourable Sir PHEROZESHAH MEHTA. The discussion was interesting because just as the Doctors differ so do the lawyers; but the attitude taken up by the Honourable Mr. KIRKHAM was that though it may be lawful for Government to levy the tax it was not necessary that Government must levy it. Another argument that was advanced was that Government had a right to levy a tax which was lawful if they so chose to do.

However, the matter was permitted to rest on the ground that nothing further could be gained by prolonging the discussion. In those days members of the Council had not the right of submitting resolutions to the Council for the acceptance of Government. It is only the right of interpellation that has developed the idea of resolution. A resolution, if allowed by Government or favoured by Government, may enable them to take action thereon or may lead to legislation on the point. My present object in wording this resolution, as it is, is to draw the attention of the honourable members to the necessity of considering the matter from this point of view when the District Local Boards Act comes up for amendment sooner or later. But the present Act does not do away with either section 6 or some other section bearing on the point of the Act of 1869, and if there is any doubt about it, I am anxious that an opportunity may be taken to clear up this matter in case this question comes to be discussed in connection with the amendment of the District Local Boards Act.

Now, Your Excellency, what happened subsequently was that after about 16 years a question was asked in this Council by the Honourable Mr. DIKSHIT as to how this compensation was fixed and he was given an answer which runs thus:—"The contribution paid to Local Funds on account of excise was granted as compensation for the loss of the one anna cess formerly levied and paid to them on "saír" revenue which was understood to include excise. It was fixed in 1873 and was based on the amount of the cess actually levied in the year 1872-1873. The compensation was granted as a matter of grace to make up the loss arising from the discontinuance of payments which had been made under a misapprehension for some years after the Act III of 1869 was passed, the Abkári Revenue having already been separated from "saír" when that Act was passed." The answer further added: "Except in the City of Bombay no contribution is paid to Municipal revenue on account of excise. In Bombay the compensation (Rs. 1,43,750) is paid to the Municipality under section 63 of the Abkári Act V of 1878. The amount was fixed on the average of the net revenues derived by the Municipality in the 10 years ending 1873." In reply to my question at the last sitting, the same answer was repeated with the addition that the amount was permanently fixed.

What the Honourable Mr. TREVOR said with reference to the origin of this tax differs to a certain extent from the version that appears in this latter answer. Now, it is not quite clear to me what is the attitude of Government with reference to the important point as to whether this excise revenue was or was not legitimately included in the saír revenue, when the Act of 1869 was passed. That the Honourable Mr. BANADE's observation that the "saír" included excise farming and revenue was the result of his study of the use of that word in official documents goes without saying. The glossary of vernacular judicial and revenue terms compiled from materials furnished by the various Local Governments and administrations of British India in response to a circular issued by the Department of Revenue, Agriculture and Commerce on 11th November 1871 contains the following note "saír":—"In its original purport the word signifies moving, walking, or, the whole of the remainder, from the latter it came to denote, the *remaining* or *all other sources* of revenue accruing to Government in addition to the Land Tax, from a variety of imports, as customs, transit duties, licenses, fees, house-tax and so on, in which sense the term is current throughout India"—

(Wilson.) The glossary further adds specially with reference to Bombay as follows:—"It is one of the two main heads of revenue used in "Jamábandi" reports; anything which is not land revenue is "saír", its literal meaning is balance or remainder"; Bombay. In another place (page 102) it says:—*Miscellaneous*. "A revenue head of receipts which comprises every item not falling under the head Land Revenue duties on traffic, Bombay. "Saír" is a word of Arabic origin and is translated by Molesworth as:—"Duties on commodities or chattels, Excise; also excise booth stand or station:" "And 'saírbáb' among other things as excise and tolls and minor cesses comprehensively and generally." (*Molesworth*.)

Under those circumstances I submit that the question should be left alone for the present, because this Council is not dealing with this aspect of it in its legislative capacity, but it can make only certain recommendation to Government. At the same time the recommendation should be guided by considerations upon which will depend the settlement of this question as to whether the Local Funds under the Act of 1869 were entitled to a tax on the saír revenue which was revenue from excise. My own observation of documents that have come under my notice during my practice of 32 years confirms me in the view I take of the use of this term in the village account papers. Therefore, ordinarily under Act III of 1869, one anna cess in every rupee of liquor farming, excise revenue, must be available to the Local Funds.

The A'bkári revenue, however, and all other revenues, provincial or otherwise, as has been already explained, belonged to the Government of India at the time when the Bombay Government proposed to constitute the Local Funds. Excise revenue was looked upon as an item of progressive revenue and the Government of India dealt with this question in Government Resolutions, No. 617 of 27th January and No. 3169 of 24th September 1873. Mr. Nairne at page 377 of his hand book summarizes them thus:—"saír revenue as used in Bombay Acts VIII of 1865 and III of 1869 means miscellaneous land revenue and cess on excise revenues are not allowable under these or any other Acts. The liquor farms, are, therefore not subject to the one anna cess." (See also the Bombay Government Resolution No. 1639 of 20th April 1869 passed about the time when Bombay Act III of 1869 was passed by the Bombay Legislative Council on 18th February 1869.)

The Financial relations of the Government of India, and the Bombay Government left no option to the latter to decide the question independently of the view of the Government of India on this question. And the Government of India was thus in a position to departmentally rule what can and what cannot be "saír revenue." As long as no law defines the "saír" there is room for urging that the legitimate meaning attaching to this expression "saír" may be permitted to it so as to include the excise revenue. No doubt, the excise revenue having about 1869 promised dimensions quite enough to tempt the Exchequer to separate it from its proper head, was specially ruled out of the "saír" revenue head by departmental orders after the passing of Act III of 1869. But, now that the Bombay Government has got assigned to itself the whole of the A'bkári Revenue, we might approach Government with the recommendations couched in my resolution. In matters of finance as in matters of politics, I never regard anything *res judicata* or settled and I have no doubt Your Excellency and Honourable Members still agree with me in this.

I put this resolution as a recommendation for reconsideration because the question has not been decided by a law suit as to whether the Act of 1869 was right or whether the Government of Bombay were right in enacting this, or whether it was possible to so manipulate the said revenue as to take out of it a big proportion of taxation which would be equivalent to the amount derivable from the excise revenue at the present time. The question as regards sufficiency was also one which struck the Honourable Mr. TREVOR in 1893 as very important. Mr. RANADE pointed out that the excise revenue had increased fourfold. When the Honourable Mr. RANADE urged the point, the cess came to 5 lacs of rupees, but the figures I have supplied for the past 5 years will show that it has increased to double that amount. The whole of the rates imposed for the benefit of the District Local Boards put together falls very much short of the proper calculation of the cess on excise revenue; while other cesses would come to 10,17,308, this cess alone, if permitted to the Local Boards, must come to not less than 12,00,000 of rupees. It is always safe to be just before one is generous. A sense of dependence on generosity is much inferior in value and less healthy in practical results, than a sense of self help and of a necessity to cut the coat according to the cloth.

I have got figures for the last five years to which I will briefly allude, because I am afraid I have already tried the patience of the Honourable Members.

His Excellency the PRESIDENT :—The Honourable Member has had his half hour, so that I hope he will finish his remarks as soon as possible.

The Honourable Mr. KARANDIKAR :—Well, I submit, Your Excellency, that there is a good case made out as to why one anna cess on every rupee in the excise revenue should be allotted to the District Local Boards.

I will now proceed to the other argument on which I base this resolution. If heads of expenses are handed over to District Local Boards, funds must equally be made available. By the very nature of the Local Boards Act, and according to the summary of what the annual reports of such Boards should contain, that is directed by Government to be followed, various important matters the Local Boards are expected to manage in course of time. In the official report there appear under the present circumstances several headings of the annual statements which must be left blank, and the "Times of India" seems to think that no practical purpose is served by retaining such columns and swelling the printing. I take a different view and would maintain the headings in the hope that their very presence is suggestive of the powers that the District Local Boards will in no distant future be called upon to exercise, and I am trying to equip the Boards accordingly. No doubt, the capacity of the Boards has also to be improved, to be able to control and manage important heads of expenditure. I am glad to notice that Government hopefully look forward to the work of the District Local Boards in their resolution reviewing the administration for the year 1910-1911.

There is only one argument which I am sure will not be raised on this occasion and it is that the District Local Boards should not hanker after revenue which is derivable from liquor. The history of Whisky money in England and its appropriation by local bodies for purposes of education at the suggestion of Mr. ARTHUR ACLAND to Parliament soon after the Act of 1869, to give to the Local Authorities power to supply or aid in supplying technical or manual instruction, must not have escaped attention. The results of the Act of 1869 and the grant (whisky money) in 1890 were soon apparent.

A large number of technical institutes and science classes were established and the science work of secondary schools was subsidised and encouraged. No doubt, some of the money was wasted at the time, but the institutions, founded in those early days, are now attaining a higher degree of efficiency achieving a fuller measure of usefulness. Since 1902 in accordance with the Education Act of that year the whisky money has been wholly devoted to the development of higher education. I am further persuaded to observe that if, as must be admitted, education is an antidote to drunkenness, by all means a larger portion of the excise revenue must be earmarked for educational purposes. As a matter of fact, Sweden, wherein drunkenness was at one time rampant, the Government itself spends considerable portion expressly out of the excise revenue and part of it is specially utilized for prevention of and dissuasion from drink by lectures and other educational methods.

I am grateful to Government for the munificent grants which they have made from time to time to the Municipalities and District Local Boards. But still I think it was not quite safe to permit a sense of dependence on generosity to develop and if possible institutions like this should depend upon their own revenue. It is a matter for consideration of Government whether having regard to the altered circumstances the District Local Boards should not be given their proper share of the revenue.

His Excellency the PRESIDENT :—The resolution does not require seconding in this Council, but I will ask the Honourable Mr. GARUD to support.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said :—Your Excellency,—The sources of income which have been allotted to the District Local Boards have been mentioned in section 44 of the District Local Boards Act. (Reads). Now, section 6 of the Bombay Act of 1869 says :—(Reads).

The Honourable Mr. MOULVIE RAFIUDDIN AHMAD :—May I ask Your Excellency if we consider the two resolutions together ?

His Excellency the PRESIDENT :—Yes, the two resolutions may be taken together. They are identical.

The Honourable Mr. GARUD :—Now, these sections make it clear that there are two items of revenue given to the District Local Boards—land revenue and sair revenue. In section 6 sair revenue is not included in the land revenue, and therefore the argument that it is a merely a miscellaneous land revenue is not sound. The question for consideration is what this sair revenue really meant at the time when it was given to the District Local Boards. It is not a debatable point as to what it means now. The question is what it meant when it was allotted to the District Local Boards. We were told that sair revenue also included excise revenue, and it was clearly meant to give assessment that would be derived from the excise revenue. Of course, what we have to see is what Government intended to give to the District Local Boards when they framed this Act. So long as this Act remains in force, I submit, it is not open to Government to say that they have put this sair revenue under some other heading and have separated it from the excise revenue. Before the year 1870 the Government of Bombay in common with other local Governments received only a fixed amount from the Government of India, and it was during Lord Mayo's regime that that arrangement was changed and the Bombay Government had a direct interest in the excise revenue—an arrangement which went on uninterruptedly for 4 or 5 years. During this time this

revenue was uninterruptedly paid. But after that year the Government of Bombay acquired an interest in the excise revenue and the result was that this distinction was made, namely, that sair revenue was handed over to the District Local Boards, and a contribution was given to them in lieu of the excise cess which was fixed on the revenue then derived from the excise revenue. I submit that the District Local Boards were not certainly asked at the time to say whether they would stand by this arrangement. They had no share in the arrangement. It was altogether a one-sided arrangement, and ever since the time that the non-official members have a voice in the deliberations of this Council they have justly criticised this particular arrangement from time to time. In 1885 the Honourable Mr. RANADE expressly drew the attention of Government to this particular item and requested that an adjustment should be made more fairly and that the District Local Boards should have a fair share of the excise revenue. This complaint has been since made in this Council from time to time up to 1899. When the Honourable Mr. DIKSHIT asked the question the matter was not clear either in the minds of Government or the Local Boards. When this reformed Council was opened I submitted for Your Excellency's consideration the same grievance on behalf of the District Local Boards. At that time I did not receive any definite reply on the point. I submitted this question in the form of an interpellation and I was referred to some answer which was given to the Honourable Mr. DIKSHIT which was neither very full nor quite in harmony with the one given by the Honourable Mr. TREVOR to the Honourable Mr. RANADE. I submit that Government should in fairness to the District Local Boards consider their claim in this respect and see if the amount which these Boards now receive by way of grants from Government is more or less than to what they would be entitled under the Act, if the one-sixteenth of the excise were to be given over to them. The excise revenue is increasing every year, and considering the increased responsibilities which are being thrown upon the Boards I think it would be but fair to give this concession to them, and not take away a part of it by granting them only Rs. 10,00,000 when they are entitled to receive Rs. 12,00,000. It is only a small share, but still it is one to which they are rightly entitled.

The Honourable Mr. GEORGE CARMICHAEL said:—Your Excellency,—The Honourable Mr. KARANDIKAR has given a good deal of the history of the case, but one or two things, I think, I may add. In the first place, with reference to the Honourable Mr. TREVOR's statement in reply to the question put in 1893, I may say that the reply given by the Honourable Mr. TREVOR was based on information hastily collected and that information was not accurate. The facts are that the contributions which appeared in the accounts as being due in lieu of the one-anna cess were fixed on the basis of the amounts which were received under this head by the Local Boards in the year 1872-1873. The question asked by the Honourable Mr. GARUD must be answered. What does the expression sair revenue mean? The expression was used in the Act of 1868 and the corresponding Act in Sind of 1865. These Acts authorized a levy from farmers of sair revenue of one anna in every rupee which was paid by them in respect of their farms. Now, sair revenue did not at that time include excise revenue. The excise revenue had been excluded by the orders of the Government of India for eight years before the Act of 1869 was passed, and when the Government of India gave their sanction to Act III of 1869 they could not have meant that sair should include excise. Sair was only

miscellaneous Land Revenue. The error went on for nearly three years in the Presidency proper and not five. The officers, in giving out the excise contracts, imposed a cess of one anna in the rupee and that money was collected from the contractors and paid to the credit of the Local Funds. Then the error was pointed out, and orders were given to correct it, but it was represented that it would be a great hardship on the Local Funds and would interfere very much with the programme of development which had been undertaken if the money which they had begun to derive from this source was suddenly and completely withdrawn. Accordingly, the Government directed, as an act of grace, that they should be given a contribution in lieu of what they were getting, and it was fixed on the basis of the actual receipts for the year 1872-1873. Now, the Local Boards must have been aware of the decision at that time. They knew this contribution was given by Government as a matter of grace. They accepted it, and they continued to receive it from 1873 until now. There was no question of obligation on Government. Government might have refused to give it to them, and in the same way there is no obligation upon Government to revise this contribution. It was given only as a matter of grace. There is no other provision of the law under which this revenue or a share of the excise revenue is payable to the Local Boards. I may say it is not a form of taxation which is appropriated to Local Bodies. According to the general practice this form of taxation is always appropriated by the Central Government. I think that if Government in 1872 had not granted this contribution as a matter of grace you would probably never have heard of the question now. It would never have suggested itself to the Honourable Mover and Seconder, and I think it is rather unfair that this act of grace which was performed forty years ago should now be made a jumping off ground for a raid on the Provincial Revenue. I can call it nothing else, because the excise taxation upon the consumption of liquor and of intoxicating drugs and opium is always pushed to the highest limits compatible with safety, and it is impossible to add any item to it on account of local bodies without involving a reduction of the share that goes to Government. If such a large reduction (12 lakhs) as suggested by the Honourable Mr. KARANDIKAR were to take place, then it would be absolutely necessary to re-consider the whole arrangement of the grants-in-aid from the General Revenue to Local Bodies which are generally admitted to be very liberal and have been so admitted by the Mover and the Seconder. Certainly, I can say without hesitation that at present these grants exceed considerably what the District Local Boards would receive if they got one anna in the rupee on the excise revenue collected in their area. What was originally paid to the District Boards was a cess on farms. As a matter of fact now-a-days farmers pay very little. The Revenue—most of it—comes in the shape of duty and not in the shape of license fees. The duty is paid when the issue is made from the distillery and is not paid by farmers. If you take the total realization of the excise and calculate one-seventeenth of that, I am sure it would be much less than the District Boards now actually receive from General Revenues. I do not understand how the collections would be distributed, but the Honourable Mr. KARANDIKAR said the Local Boards should depend, not on gratuitous grants, but on their revenue. Well, I can only say the distribution would be difficult. Take the Poona district, for instance, The Poona Municipality would have a large share; the Poona Cantonment even a larger share. Both these are wealthy bodies. The districts with a high

consumption like Thána, Surat and Khándesh would have a good profit at the expense of a district with a low consumption, such as Sátára, or Ahmednagar. I can quite understand the Honourable Mr. GABUD, coming from a district where people are jovially inclined—perhaps, too much so—I can quite understand the District Local Board of West Khándesh being in favour of the proposal; but why the Honourable Mr. KARANDIKAR, from sober Sátára, should support this resolution I cannot fathom. I do not think you will find in section 139 of the Bombay Municipal Act that the Municipality has any power to impose any tax upon the consumption of liquor within the area. It has not the right by law. I think I have shown, Your Excellency, that there is really no legal basis for the resolution. I think I have also made it quite clear to this Council that as a matter of practical politics it would be a most unsatisfactory arrangement.

The Honourable Sir PHEROZESHAH MEHTA said :—Your Excellency,—My Honourable friend Mr. KARANDIKAR has said that if the Corporation of the City of Bombay had a grievance on this subject they would have made themselves heard. I can assure him that the Corporation of the City of Bombay have struggled hard to remedy the injustice done to them under section 63 of the A'bkári Act of 1878. My Honourable friend Mr. KARANDIKAR thinks we take no interest in this question. I assure my Honourable friend that we do take a great deal of interest in it and we have made repeated efforts to have the compensation revised. I must, however, tell him that I can administer no consolation to him as to the success of his efforts. Our case is a much stronger one, for before that section was enacted we had a right to levy liquor license fees and it was upon that our claim was founded. The way in which that compensation was fixed was of a somewhat unique character. It may be interesting to know that when the A'bkári Act was brought before this Council in 1878 it was just when the discussion was nearing conclusion that Government suddenly brought forward the section for limiting amount of the liquor license fees which was fixed at Rs. 1,43,000. I believe it was the late Mr. SORABJI SHAPURJEE BENGALÉE, then a member of the Council, who protested against this matter being dealt with in that way without consulting the Corporation. But he was told that the compensation was arrived at on the basis of the receipts for the previous 10 years and there was therefore no reason for complaint. The Corporation had from time to time pointed out to Government that this revenue had gone on increasing from year to year, from 1 lách to 2 láchs, from 2 láchs to 3 láchs, from 3 láchs to 4 láchs and so on, and they claimed that they were entitled to the full return which their own liquor license fees used to bring them. Time after time we approached Government and we were told during the *régime* of Lord REAY'S Government that our case was so strong that it would be considered when the A'bkári Act came to be amended. But, after struggling for many years that we have utterly failed to move Government. Now, with regard to this resolution, I repeat that, though I take a keen interest in the claim put forward by the Honourable Mr. KARANDIKAR, I can administer no consolation to him as to the success of his efforts.

Now, in regard to the point raised in the resolution, I should like to point out to my Honourable friend Mr. CARMICHAEL that this saír tax did not affect the revenue of the Government of India any more than the local cess on the land revenue did,

That was why it was allowed to be dealt with by the Local Government instead of by the Government of India.

The Honourable Mr. GEORGE CARMICHAEL :—It was not so.

The Honourable Sir PHEROZESHAH :—It was so, and for these reasons. In the first instance, I may point out that the nature of the cess both in regard to the land revenue and the sair revenue was of a local character, and for this reason that it did not affect the revenue of the Government of India.

The Honourable Mr. GEORGE CARMICHAEL :—You mean that the ideas of political economy prevailing at that time were rather weak.

The Honourable Sir PHEROZESHAH :—Yes, probably they were. But as to this point it was not a question of bad political economy, but it was a question of the power of the Local Government to deal with the matter. Nobody had ever disputed that the Local Government had the power under section 69 to levy a one-anna additional cess upon land revenue. They did not say that they were taking any portion of the land revenue proper from the land itself to give it to the Local Boards. Under the Act power was given to Government to take from the agriculturists and rayats one anna in every rupee of the revenue which they paid to Government. So the full revenue went to Government. The Act in the same section enacted that one anna of the sair revenue included excise revenue. The Government of India had no objection to the Local Government taking this revenue, because it was over and above the revenue which was due to the Government of India. I should like to ask my Honourable friend Mr. CARMICHAEL whether, when he says that the excise revenue was separated from sair revenue some time before 1869, it was not merely an administrative arrangement. The Honourable Mr. RANADE has pointed out in his chapter on Maharatta History, which he did not live to complete, that it was distinctly and clearly shown in the records of the Peshwas and other Governments that the sair revenue absolutely included the excise revenue, and the British Government have also recognized that sair revenue in those days included the excise revenue. It was on this that this section of the Act of 1869 was based, though the ideas of political economy at that time might be weak. The Bombay Government knew perfectly well what sair meant. This was the interpretation which was placed upon it, and it was also the interpretation which the officials put upon this section in those days as their action after the passing of the Act showed. I therefore think that, even so far as the legality of the matter is concerned, my Honourable friends Mr. KARANDIKAR and Mr. GARUD would do well to have it tested in a lawsuit, though I am not quite clear how a lawsuit can be brought. I am clearly of opinion that sair did include excise in those days and the Local Boards were entitled to the collection on this behalf. However that might be, the Local Boards are legally entitled to levy this one-anna cess and appropriate it for local purposes including education. One of the complaints made by the Honourable Mr. RANADE was that even the legal cess of one anna on land revenue has been used by Government for other purposes instead of strictly applying for the purposes for which it was granted. Government themselves had acknowledged that the sums had not been appropriated for the purposes for which they were levied. I think the Honourable Mr. KARANDIKAR and the Honourable Mr. GARUD have done well to bring this question to the notice of the Council, but I am afraid they must be content with the answer

given by the Honourable Mr. CARMICHAEL, because if you have not received your legal rights you have got your moral gratuities, and, indeed, for the last few years the grants that have been made by Government have been of an exceedingly liberal character. I quite admit that in this way the sting, as it were, has been taken away, and Government can well say that if you insist upon having your rights we can stop the grants which we make in lieu of this cess.

The Honourable Sir RICHARD LAMB said:—Your Excellency,—I think perhaps the moving of this resolution has served a useful purpose in that it has given an opportunity of removing misapprehensions which appear to exist, and for clearing up the doubts which the Honourable Mr. KARANDIKAR in his speech admitted exist in his own mind. I think it has been made clear by the Honourable Mr. CARMICHAEL's speech that the Local Boards have no legal claim to the one anna cess on the existing excise revenue. I propose not to refer in any way whatever to the question of Municipalities. That is outside the terms of the present resolution. Anything said with regard to the Municipalities is irrelevant to the purpose of the present resolution. As regards the present resolution, my point may be put extremely briefly. First at the time when the Local Funds Acts of 1865 and 1869 were passed, the A'bkári revenue or excise revenue was not saír revenue. Secondly, even if we assume for a moment that it was saír revenue, there are now no farmers of that revenue, and the Act imposes a one anna cess only on revenue which is paid by farmers of saír revenue. At the time when the Act was passed, no doubt there were farmers, because at that time almost the whole liquor administration of the country was under what is called the out-still system, that is no system at all. It was merely a farm. A man paid so much for the privilege of getting as much as he could from liquor drinkers, and kept the balance for himself. Now we have no farming in A'bkári revenue at all. The expression, "saír revenue" is used in the Bombay Act of 1865 for Sind and in the Bombay Act of 1869 for the rest of the Presidency. In the Sind Act the section is more definite than in the latter Act. It says:—

(Here reads from the Act of 1865.)

These words, "Leviable under the head of saír" do not appear in the Act of 1869. The effect is practically the same, that the cess is leviable only on the sums payable by the farmers of saír revenue. The first question therefore is, what is saír revenue? It is perfectly certain that at the time when the Act was passed, a distinction was made between A'bkári revenue and saír revenue. It has been suggested by one speaker that this was merely an administrative distribution of receipts. I cannot understand on what other basis the distinction is to be made. There is no other basis. No indication, other than the words in the Sind Act "leviable under the head of saír" is laid down in any Act as to how you are to interpret the word. The Honourable Mr. KARANDIKAR has referred to the terms used in books such as Molesworth's dictionary. These are very good for ordinary purposes, but when you interpret Acts of the Legislature you have to have something more definite. You cannot depend on mere dictionary definitions for the interpretation of the terms of any statute. The only differentiation, which can be used, is that land revenue went under one administrative head of accounts, and miscellaneous heads of various accounts were put down under saír. In 1862 saír became restricted to miscellaneous land revenue only. Excise was recorded under a separate and distinct head, so that at the time when the Acts of 1865 and 1869 were passed saír revenue had

ceased to have any application at all to excise revenue. My second point is that even if at that time sair revenue had included A'bkári revenue, the Acts no longer apply to the case, as the term which is used in the Acts is "farmers of sair revenue", and we have now no farmers. A farmer of sair revenue would be one, who collects from the revenue payers the revenue due from them, and pays it in to Government, keeping back for himself such proportion of the sum as is over and above what he has to pay Government for the farm. That is to say he says to Government "I will collect all your revenue and pay you such and such a sum;" and then he keeps the balance to pay for the cost of collection and his own profit. For example, toll revenue is really a farm. There are farmers of the toll revenue. The toll is collected from the people themselves at the toll-places. The farmer collects this and pays Government a fixed sum, keeping for himself the difference between the collection and what he pays to Government. In no item of A'bkári revenue are we now making the collection in the form of a farm. The still-head duty was imposed, I forget how many years ago, and is now in force in every district, except in only one small portion of West Khándesh. There we still work the A'bkári under the out-still system. That is the one surviving relic of the old farm system. In no other respect are we using farms at all. In most districts we have introduced the Contract Supply System, with separate shops. There the contractor is licensed to make liquor and issue it to the shop-keepers at a fixed price. The shop-keepers pay (besides their license fees) the duty on the liquor issued to them by the distillery contractor. There is no farm of the revenue either to the distillery contractor or to the shop-keeper. In a few districts we have a form of what used to be called the district monopoly system. We give a man a monopoly of the manufacture or vend, or both, of the country spirit in his contract area. He alone pays revenue to the Government, he alone is responsible. It is a monopoly given to one man, but it is not a farm of revenue which is given to him. Similarly, we have in some places a monopoly in connection with the toddy revenue. For the most part the tappers pay tree-tax direct, but in some few areas—I think in Khándesh and one or two small places—what is commonly called a farm is given out. This is not a farm of revenue at all, it is only a monopoly of the sole privilege of tapping a large number of trees. The contract-holder is the sole revenue payer. Thus there is at the present time no propriety in representing A'bkári revenue as sair revenue, nor, if we did so recognise it, is there anyone from whom we could legally levy the tax, except the farmer in the Akrani, who pays about Rs. 7,000 a year, and we should get seven thousand annas.

The Honourable Sir PHEROZESHAH MEHTA :—Is it not 'farmers of land revenue'?

The Honourable Sir RICHARD LAMB :—Farmers of land or sair revenue.

The Honourable Sir PHEROZESHAH MEHTA :—Are there no farmers of land revenue?

The Honourable Sir RICHARD LAMB :—For the moment I cannot answer. I do not remember for the moment.

The Honourable Sir PHEROZESHAH MEHTA :—Still, the cess is levied.

The Honourable Sir RICHARD LAMB :—I do not remember for the moment that we have any farm of land revenue. At any rate I am not aware of any. There may be however some items of miscellaneous land revenue, which may be farmed. If so, they certainly are liable to the one anna cess. I think therefore that the Act as it stands

gives no legal claim of any kind or description to the Local Board to receive the one anna cess on the abkari revenue. As to the origin of the one lakh and fifty-five rupees, which is at present paid to the Local Boards under the name of compensation in lieu of the one anna cess, that has arisen very much in the way in which the Honourable Mr. CARMICHAEL has explained. It is the case that at the time when Act 3 of 1869 was passed the local officers did imagine that these farms of A'bkari revenue were farms of sair revenue. It had escaped their notice that a division of the heads of account had been made, and they did levy the one anna cess on the farms of A'bkari revenue. This went on until it attracted the attention of the Government of India, and there ensued a discussion between the Government of Bombay and the Government of India, as to the correct interpretation of the term sair revenue. It was settled by an order of the Government of India, who decided that the differentiation, which had been made years ago, must be recognised and that A'bkari revenue could no longer be regarded as sair revenue. However, as an act of grace, they said that as the Local Boards had been through a mistake on the part of Government officers receiving for four years the cess on the farms of A'bkari revenue they should receive a sum calculated on the amount paid to them in the last year, and that sum having been fixed as the compensation in regard to the A'bkari farms which then existed, it has remained fixed, and there does not appear to me to be any equitable ground for claiming that hereafter it should be revised. I do not know, but there seems to be some doubt as to what the Honourable Sir PHEROZESHAN MERTA intended just now: The fact is of course that section 3 of the Bombay Act of 1869, lays down that the cess shall be levied from all lands in the Presidency of Bombay, except jagir lands, and the fact that there are no farmers of A'bkari in existence and probably very few farmers of land revenue does not in the least affect the fact that the cess is levied on lands in the Presidency except jagir lands. I will add only the brief remark that, as has already been mentioned by the Honourable Mr. CARMICHAEL, of course the abstemious districts of the Deccan, if they were to receive the one anna cess on the A'bkari revenue in each district, would get almost nothing. They drink almost nothing. On the other hand, with cantonments or cities it would mean a great deal, because there they drink a good deal. In the districts of the Deccan drinking is extremely small, but in districts like Surat, Thana and West Khándesh the Local Boards would get large sums, because the people drink a great deal. I do not mean that they drink a great deal in comparison with other countries, but in comparison with the abstemious districts of the Deccan. So that if you substituted for the present liberal grants a distribution of funds according to the addictiveness to drink of the district, and not according to the needs of the Local Boards—if you substituted the one for the other, it would work very unequally, and the districts of the Deccan would get very much less than now. I do not think that any change should be made in the present system, and I do not think that any good will be gained by accepting this resolution.

The Council then adjourned till 12 o'clock noon on Saturday the 28th September 1912.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,

Secretary to the Legislative Council.

Poona, 27th September 1912.

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

The Council met at Poona on Saturday, the 28th September 1912, at 12 o'clock noon,

P R E S E N T :

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G.,
G.C.I.E., Governor of Bombay, *presiding.*

And 42 Members of whom 39 were Additional Members.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR replying said :—
Your Excellency,—The chance I expected of hearing more new matter in the criticism
on my resolution has only been partially realized; portion of this fresh information was
not gratifying at least to me and I suppose to many of the Honourable Members. The
idea—I class it as information for the present—that the answer of the Honourable
Mr. TREVOR of 1893 was drawn up and based on information hurriedly collected does
injustice to the circumstantial evidence supplied by the few but pointed details in the
answer. The information supplied by the remarks of the Honourable Sir RICHARD
LAMB, however indicates that in ledgering the subheads of revenue the excise had prior
to 1869 received a separate sub-account. I cannot persuade myself to accept this as any
way causing a substantial change in the nature of the particular revenue. I have learnt
to know this from the manner in which separate ledgerings by creditors are treated by
Courts in dealing with cases under the Dekkhan Agriculturists' Relief Act. As to whether
in practical politics certain words and phrases must attract particular meanings I must
confess I am not an expert, but I must say that when I have to construe a legal
enactment the words, unless they are given special or artificial meanings by the
Legislature in this or that enactment, must convey the meanings ordinarily
attachable to them, and books of reference, specially prepared from official information,
are a safe guide; and among them the glossary of Indian Official Terms deserves larger
dependence thereon. The history I have given of this subject, therefore, remains
materially unchanged, more specially as all the Government Resolutions available to the
public or alluded to in the speeches here date after the passing of the Act of 1869.

I have two more points to reply to. We are advised not to look 'a gift horse in the
mouth'. I for one do not regard the legal obligations created by an enactment as a
gift in the sense that none can depend upon it; else how could the High Court decide
cases by Inámdárs against Government based on the very deed of gift passed by
Government or their predecessor? This case is very much similar to where two Depart-
ments of the same Government try to insist on their respective rights, or else how should
the Forest Department prosecute a Contractor under the Public Works Department
quarrying within the reserve without the permission of the Forest Department. Such

a case has actually occurred and was afterwards set aright both by the High Court and Government. I do not place the claims of the Local Boards higher than these illustrations.

Now, I cannot attach importance to the charge of unfairness, levelled by the Honourable Mr. CHARMICHAEL against any attempt to have the arrangement reconsidered. Has not the Bombay Government been representing its claims to the Government of India even when the latter says that its contributions are concessions? What has always been the canon of practical politics? I was present at the dinner in honour of Lord Ripon at the Eighty Club in 1908 to which I had the honour of being invited. The veteran statesman in replying to toast claimed for his party the maxim which is a sound advice for India "Take what you get and fight for the rest." That is exactly what practical politics mean as I take it. Acting on it I have already freely and gratefully acknowledged the generosity and munificence marking the grants from Government to the District Local Boards. Exuberance in display of gratitude sometimes mars the grace of the grant, when Government themselves are conscious partly of the claims of the District Local Boards. Otherwise how would this annual grant of Rs. 1,55,000 be properly styled a compensation, an expression that involves the idea of an unconscious reparation in respect of an invasion of a right real or honestly believed to be in existence. I for one do not entertain the kind of forbodings supposed to be looming in front of the success of my motion. I have not the smallest fear about Government withholding its flow of generosity in the matter of assisting the District Local Boards that have no power to create sources of revenue, but to administer the expenditure and thus help Government in their task on the principle of co-operation only. Indeed, the Honourable Mr. ELLIS when introducing the Bill in 1869 expressly said "I hope it will be understood that this taxation would not any way supersede the Imperial grants (and grants in those days were all Imperial). Increased attention to popular education owing to Royal munificence has become a matter of urgency. I am certain Government will never check generosity, not only on the ground that in return for the land tax the State must provide protection and education, but in this particular instance on a ground acknowledged in Government Resolution No. 9094 of 18th November 1884, Revenue Department. In adverting to the possibility of the District Local Boards claiming compensation even from the Forest Department the resolution silences the suggestion thus: "It must not be overlooked that Government are largely increasing their grant to primary education to the direct benefit of Local Fund Revenue, and the extra grants made in this way are likely in the next few years to exceed the receipts which have been transferred to the Forest Department." In addition, you have to look to the Income Tax or License Tax collections. Why should the agricultural income alone bear local cess and non-agricultural should escape, as if there are no non-agriculturists who have educational, sanitary or road interests in common with the rural population. The answer is that, to quote the words from a commentary on the Local Boards Act, "difficulties having arisen owing to the impolicy of imposing a second tax of this description while an Imperial Certificate or License tax was in force and the Government of India being unable to sanction any solution of the difficulty the non-agricultural classes were omitted from this scheme."

Yet another Government resolution affords this solution. It seems probable then that without straining the meaning of the word "farmer" the levy of local fund on

most of; if not all, the items in respect of which it is at present levied, can be justified either on the wording of the Act as interpreted by custom or on the basis of contracts express or implied, and if in regard to any single item any doubt is felt in any particular instance, it can be decided when it arises. It seems difficult to lay down any general rule applicable to all items. (Government Resolution No. 5033, dated 15th July 1889). There is thus no need to spin out the expression "Farmer" Those were the times of economic legislation and broad accepted meaning must follow. I see the force of the remark that in a possible distribution of excise cess over various districts, my district will get less and in consequence a loser in case the resolution were adopted. But this proceeds upon a wrong notion of good Government. If my district and Nagar too show there is less whiskey money, Government generosity will reward virtue the more and will come to our help in more deserving recognition of our abstentious districts.

Now, therefore, in the motion before the Council controversial matter is subordinated to a plain request and recommendation to Government to reconsider the arrangement—whatever it be and however arrived at—and allow in addition to the grants prompted by generous considerations, the Local Bodies full compliment on excise revenue to enable them to cope with duties that the Local Boards Act is designed to prepare them for undertaking.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency—I shall only refer to the interpretation placed upon the Act by the Honourable Sir RICHARD LAMB, who observed that section 6 of the Act of 1869 refers to farmers of land revenue or farmers of sair revenue. I submit these words cannot be effectively separated. The plain interpretation is that, in the first place, it is to be collected from the farmers of land revenue, and, in the second place, from the farmer of sayer revenue. It has been pointed out that the farmers of Sayer revenue have now practically ceased to exist. I submit Government cannot evade the responsibility of paying to the District Local Boards the money which is derived from the Sayer revenue merely because they have abolished the farmers of Sayer revenue. If the Act created certain sources of revenue for the benefit of the District Local Boards, then I submit these farmers cannot be done away with without in the first instance consulting the interests of the District Local Boards. Therefore, if Government have thought fit to abolish these farmers of Sayer revenue, the income that comes from that source should be paid to the District Local Boards as provided in the Act or at least they should be assured that their interest would not be sacrificed by the abolition of the farmers.

The next point made by the Honourable Sir RICHARD LAMB was that the Abkari revenue was separated from the Sayer revenue before the year 1869. But this does not appear to be the case from the answer given by the Honourable Mr. TREVOR in 1893. However, I would leave that for enquiry to Government, and I hope they will look into the matter and if it turns out that before 1865 and 1869 this head of revenue was not separated from the Sayer revenue, then that might be taken as a case made out for the District Local Boards. It appears that the Government of India intended to give the District Local Boards the revenue derived from this head. The Honourable Mr. CARMICHAEL'S contention was that the revenue collected by the Abkari Department was derived from the excise duties. Now, it has been recognized that all the money that

comes from the contractors of the Abkari Department is subject to cess according to the Act. A difficulty has been raised that as the revenue from this source in some districts is more than in other districts it will not be possible for each district to benefit equally. This is a question which, I think, need not exercise the mind of anybody. For if a district gets a better revenue from this source owing to the drinking habits of its people, it will at the same time be able to spend more money on the education of its people and in that way they will be weaned of that habit. The question has been brought before this Council from time to time ever since non-official members have been given a voice in the deliberations of the Legislative Council. I hope Government will give its careful attention to this subject and remove a grievance which has existed for a long time.

The motion was put to the vote and lost.

The Honourable Mr. GARUD asked for a division which is as under :—

Ayes.

The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.

The Honourable Mr. Gulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.

The Honourable Sardár Purushot taldas Viharidas Desai.

The Honourable Mr. Siddhanath Dhonddev Garud.

The Honourable Sardár Shambhusing Amarsing Jadhavray, Ráje of Málegaon.

The Honourable Mr. Raghunath Pandurang Karandikar.

The Honourable Sir Pherozechah M. Mehta, K.C.I.E., Bar.-at-Law.

The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.

The Honourable Khán Bahádur Syed Allahando Shah Yusif Shah.

Noes.

His Excellency the Honourable Sir George Sydenham Clarke, G.C.S.I., G.C.M.G., G.C.I.E., Governor of Bombay, *presiding*.

The Honourable Sir Richard Amphet Lamb, K.C.S.I., C.I.E., I.C.S.

The Honourable Mr. Mahadev Bhaskar Chaubal, C.S.I.

The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E., I.C.S.

The Honourable the Advocate General.

The Honourable Mr. Reginald Pocock Barrow, I. C. S.

The Honourable Mr. Duncan Carmichael.

The Honourable Mr. George Carmichael, I.C.S.

The Honourable Sardár Ráo Bahádur Motilal Chunilal.

The Honourable Mr. George Seymour Curtis, C.S.I., I. C. S.

The Honourable Mr. Fazulbhoy Currimbhoy Ebrahim.

The Honourable Sardár Syed Ali El Edroos.

The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Amod.

- The Honourable Lieutenant-Colonel
J. Jackson, M.B., I.M.S.
- The Honourable Mr. Robert Jackson
Kent, A.M.I.C.E.
- The Honourable Mr. Lalubhai Samal-
das Mehta.
- The Honourable Mr. G. P. Millett.
- The Honourable Sardár Ráo Bahádur
Yashavantrav Trimbak Mirikar.
- The Honourable Sardár Dávar Kai-
khosro Edalji Modi.
- The Honourable Sardár Coopooswamy
Viziarungum Moodliar.
- The Honourable Dr. Temulji Bhikaji
Nariman, L.M., F.R.M.S.
(London).
- The Honourable Mr. Abdul Husein
Adamjee Peerbhoy.
- The Honourable Mr. F. G. Pratt,
I.C.S.
- The Honourable Mr. R. D. Prior.
- The Honourable Sir Ibrahim Rahim-
toola, Kt., C.I.E.
- The Honourable Ráo Bahádur
Shriniwas Konher Rodda.
- The Honourable Mr. Chimanlal Hari-
lal Setalvad, LL.B.
- The Honourable Surgeon-General
H. W. Stevenson, C.S.I., I.M.S.
- The Honourable Khán Bahádur
Nowrojee Pestonjee Vakil, C.I.E.
- The Honourable Mr. Harchandrai
Vishindas, LL.B.
- The Honourable Mr. M. de P. Webb,
C.I.E.
- The Honourable Mr. C. H. Wilson
C.I.E.

The Resolutions were lost by 10 to 32 votes.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency,—The second resolution on the agenda standing in my name runs thus: "This Council recommends that Government may be pleased to take steps to enable a conference being at least annually held of the Municipalities and the District Local Boards respectively."

This resolution, however, I ask leave to defer.

His Excellency the PRESIDENT :—I understand the Honourable member wishes to defer this resolution. Is that the case?

The Honourable Mr. KARANDIKAR :—Yes.

His Excellency the PRESIDENT :—I can only say I am glad the Honourable member has deferred this resolution, not because I do not think it is a very good suggestion, but I think it is a little premature. Our Municipalities and Local Boards have so much to learn and so much to gain in the management of their domestic affairs that I think a few years will have to elapse before they should indulge in inter-municipal and inter-board conferences.

The resolution was then deferred.

The Honourable Mr. DATTATRAYA VENKATESH BELVI said :—Your Excellency,—The resolution which I crave permission to move for the acceptance of my Honourable colleagues runs as follows :—“That this Council respectfully recommends the establishment of a model Government Arts College at Dhárwár at an early date”. The resolution is of an extremely simple nature. It involves, however, a problem upon the right solution of which hinges the momentous question of the diffusion of higher education among the present and the future generation of the Bombay Carnatic. The total population of the four districts of Belgaum, Dhárwár, Bijápur, and Kárwár is according to the last decennial census 3,263,346.

Government has been pleased to maintain a High School in each one of the four districts. Besides the four Government High Schools, there are in the Bombay Carnatic five aided institutions, namely, the Methodist Episcopalian Mission High School at Belgaum, the Victoria High School at Dhárwár, the Gibb High School at Kumtha, the Mission High School at Dhárwár and the Lamington High School at Hubli. The number of pupils receiving secondary education in these public and aided High Schools is close upon 3,000. But unfortunately for the Bombay Carnatic there is not there as yet even one Arts College either public or aided to accommodate the pretty large number of students that matriculate from the secondary schools in it. The two Arts Colleges at Poona and the three Arts Colleges at Bombay have, to their undying credit, hitherto satisfied the natural and growing desire for higher education of the people of the four Canarese Districts. But the Bombay Carnatic can no longer count upon the accommodation of its youth within the hospitable walls of these Arts Colleges at Bombay and Poona owing to the ever increasing number of students attending them from year to year. I believe my Honourable colleagues will have a fairly accurate idea of the heavy pressure upon the capacity for accommodation of the five Arts Colleges at Bombay and Poona, if I cite figures for a few recent years. In the year 1911 the number of students attending the Bombay and Poona Arts Colleges was as follows :—

Elphinstone College	...	...	...	407
Wilson College	...	..	...	601
St. Xavier's College	...	...	...	470
Deccan College	...	..	...	212
Fergusson College	...	...	...	730

These were the numbers of students in these colleges in the year 1911. The numbers have undoubtedly gone up this year. I learn that there are more than 800 students this year in the Fergusson College and about 235 in the Deccan College. The other Arts Colleges in the Presidency must, I submit, be left out of account for the purpose of this resolution as it will be unconscionably hard upon the people of the four Canarese Districts to expect them to send their sons for their higher education to more distant towns than Bombay—towns where their boys will be placed amidst unfamiliar and strange environments and among people whose language, whose manners, whose social customs and whose very diet differ radically from theirs. The annual reports of the Director of Public Instruction of the Bombay Presidency furnish incontrovertible proof of the ever growing number of students in the Poona and Bombay Arts Colleges. Thus in the annual report for the year 1903-1904 it is stated "The Deccan College had 165 students on the rolls at the end of the year and the Principal reports that he had to refuse admission to 170 students. It will be possible to accommodate more when the New quarters which are steadily rising are completed". This was said before the addition of new blocks of rooms in the Deccan College had been completed. Let us see what the annual report says after that event. In the report for the year 1906-1907, the Head of the Educational Department in the Presidency says with regard to the Deccan College "The College is admirably equipped except in respect of the means for advanced scientific instruction. There is, I believe, no college in the Presidency which offer to its members a healthier dwelling or a fuller or more varied life. These advantages are thoroughly appreciated. The struggle for admission is still keen. In spite of additions to the buildings it was possible last year to admit only fifty out of a hundred and thirty applicants". The same report says about the Fergusson College "The number of students in Fergusson College has risen during the last five years from 243 to 500". In his report for the year 1909-1910 the Director of Public Instruction says "Wilson College had 588 students; St. Xavier's had 398 students. At Fergusson College the numbers rose from 498 to 607". The Director of Public instruction sums up the whole situation in one pithy but pregnant sentence. "A striking feature of the College returns is the unwieldy size of the Previous Class in several colleges; thus the Elphinstone College had 168 students in this Class, St. Xavier's 179, Wilson College 264 and Fergusson College 279".

The number of students from the Bombay Carnatic in these five Arts Colleges cannot be short of 300 taking the lowest estimate, a number that cannot be wholly accommodated in the Deccan College were it to be exclusively reserved for it.

It is almost pathetic to see a high-souled and highly trained Officer like the Director of Public Instruction, an Officer nurtured upon the traditions of English Universities hoary with age making frantic efforts at introducing a tutorial system into the unwieldy Classes at least of one Public Arts College, the Elphinstone, in the following words :

"An important innovation in method was introduced at the beginning of 1910, an attempt at a tutorial system approaching that of Oxford. The system being experimental was applied only to the Previous Class. Some 19 members of that Class were assigned to each of the nine whole-time members of the staff as his special pupils, who were to look to him for advice and guidance in their studies generally and in other matters in which they required help. So far as possible the pupils were assigned according to race

and religion, but the student or Professor who desired to have a particular tutor or pupil had his wish gratified. To make this system effective it was arranged that each tutor should supervise the English composition of his own pupils. It is hoped that the staff may thus obtain some real intimacy with the horde of students who constitute the first year class."

I need hardly tell my Honourable colleagues here that it is impossible to secure good education when there are such overwhelmingly large numbers of students to be taught in a class. It is impossible that there can be any personal intimacy between the Professors and students when there is a horde of students to be attended to. Take, for instance, the first year's class of the Fergusson College alone. In the year 1910, the number of students attending that class was 301, in 1911 it rose to 340, and this year it has gone up to 362. I put it to my colleagues to say whether it stands to reason to believe that there can be any efficient education imparted to a class of 362 students by a single Professor. If education imparted under such circumstances is to be called efficient, I do not see any necessity of sending students to colleges at all, because we may as well ask the Professors to prepare their lectures, get them printed and circulate them among the students. To me it seems that it will be a mere surplusage of words on my part to dwell upon this point of increasing numbers at greater length. It is almost self-evident that the efficiency and the intensity of English education in this country for which Government has been making herculean efforts ever since the day on which Lord Curzon delivered his famous inaugural address to the Educational Conference at Simla in September 1901 and sketched the outlines of the Universities Act of 1904 and numerous other educational reforms, must be sacrificed unless ways and means are devised to gradually multiply Arts Colleges in the Bombay Presidency. Lord Curzon cited with approval in the aforesaid address the well-known saying of an eminent English educationist, the late Dr. Thring, to the effect that education is the transmission of life from the living through the living to the living. Your Excellency was pleased to say to the students of the Fergusson College when opening the Wadia Amphitheatre that "quality in teaching is everything. Upon it all educational progress depends."

I submit respectfully but emphatically that it is absolutely impossible that there should be such transmission of life, such communication of the Promethean fire from the Professors of the Arts Colleges at Bombay and Poona to the growing number of students from our Province, the four Canarese Districts, in the present congested condition of those Colleges. The only reasonable and safe way out of the present difficulty lies in the early foundation of a model Public Arts College in the centre of the Bombay Carnatic itself. This means, no doubt, additional expenditure from the public exchequer. The two Public Arts Colleges in the Mahārāshtra, the Elphinstone College and the Deccan College, entail upon the tax-payer a recurring expenditure of more than a hundred and thirty thousand rupees. In the Civil Estimates which received the sanction of this Council in July last a sum of no less than 1,35,427 rupees has been ear-marked for these two Public Arts Colleges which have already cost the State no inconsiderable amount of money on heads of a non-recurring nature. Your Excellency, I do not refer to these facts in a complaining mood. I do not grudge Mahārāshtra its good luck in securing two Public Arts Colleges. I am only anxious to see that my poor Province, the Carnatic, is not left out in the cold on the strength of the oft-quoted saying "Out of sight out of mind".

Your Excellency's recent public pronouncements on no less than three memorable occasions in favour of separate Universities at Poona and Ahmedabad have naturally raised high expectations among the educated classes of this Presidency. Is it not but reasonable for the Bombay Carnatic, the neglected Cinderella, to press at such a happy moment her claims to a model Public Arts College at least for the benefit of her children—a College which may prove in course of time a beacon and a guide to aided institutions of a similar nature around it and which may, under God's blessing and under the aegis of British Rule, develop in company with its sister institutions into a University of the Bombay Carnatic? The maintenance of the Deccan College costs the Public exchequer nearly Rs. 50,000 a year. It will be but the barest justice to the Carnatic to found a model Public Arts College in the centre of it for the diffusion of higher education and for the moral elevation of its people. I submit respectfully that Government is morally bound to maintain at least one model Public Arts College in a province like the Carnatic.

Here I frankly own I am not unaware of the previous history of this movement for the establishment of an Arts College in the Carnatic. I acknowledge most gratefully that Your Excellency was graciously pleased at the time of the Budget discussion in July 1911 to express publicly Your Excellency's sympathy with the educational aspirations of the Carnatic. Since then my honourable and veteran colleague, RAO BAHADUR RODDA and I have tried to test the under-currents of public feeling on this important educational question in our Province. We have tried to persuade men of light and leading in our Province into the belief that if we could put together a sum of Rs. 200,000 and place it at the disposal of Government as our humble mite, Government may be graciously pleased to establish and run as a Public Institution a full-fledged Arts College in our midst. But many of those that we approached said to us with a bated breath and with a significant nodding of the head: "Government has not committed itself to any definite and irrevocable policy in their pronouncement. They have not definitely promised to found and maintain a Public Arts College for us." An unusually virulent epidemic of plague followed by severe scarcity last year has unfortunately handicapped the leaders of the movement and retarded its progress. A lack of definite pronouncement of the future intentions of Your Excellency's Government in the matter has unfortunately accentuated our difficulties. There are unfortunately no enlightened millionaires among us like Sir CHINUBHAI MADHAVLAL or Sir CURRIMBHAI IBRAHIM to make princely donations to the proposed Arts College.

The Canarèse speaking population of the Presidency consists mostly of petty agriculturists. It is only a very small section of the people that is engaged in commercial pursuits on a small scale. The professional classes are not numerically strong. In view of these facts to insist upon the Province founding and maintaining an Arts College of its own is tantamount to saying that such an institution will probably be never established or at any rate not in the near future.

The Carnatic will be glad to contribute its mite according to its means after a model Arts College is graciously founded by Government. The needs of a modern Arts College are so many and so multifarious that the contribution to be made by the Province may be utilized for one of the numerous and necessary adjuncts of it such as a library, a gymkhana and the like.

I trust that justice will be done to my Province before generosity is shown to Mahārāshtra and Gujarāt by Your Excellency's Government. In my humble opinion the educational need of the Bombay Carnatic is very imperative and admits of little delay.

I fear that our boys will be refused admission by the Colleges of Poona and Bombay very soon unless they are allowed to go on adding to the number of their students without restriction. But in view of the recent educational policy of Government to restrict the number of students attending Government High Schools, I am afraid that some such restriction will be placed even upon Colleges in future. In that case the doom of the Carnatic is sealed unless Government opens an Arts College there. I have chosen Dhárwār as the proper place for a College. Though Belgaum happens to be the Headquarters of the Divisional Commissioner, yet, geographically speaking, Dhárwār is really the centre of the Bombay Carnatic and is within easy reach of people in the four Canarese districts. The resolution which I move is so very simple and covers such an important matter that a brief speech is quite enough for my purpose. With these few words I commend this resolution to the unanimous acceptance of this Council.

The Honourable Mr. SHRINIWAS KONHER RODDA said :—Your Excellency and the Honourable Members of the Council,—The resolution which I have the honour and privilege to move before this Council with the kind permission granted by His Excellency the President in Council is to all intents and purposes the same as that which stands in the name of my learned colleague the Honourable Mr. BELVI. If I state a few words in support of the Honourable Mr. BELVI's resolution, I think I shall have done my duty and at the same time a considerable amount of the valuable time of the Honourable Members will be saved, and I shall have the satisfaction that I have not inflicted a long and tiresome speech on my colleagues. The Honourable Mr. BELVI has made a good case, and his arguments in support of the necessity of an Arts College at Dhárwār, the centre of the Carnatic Province of the Bombay Presidency, are so sound as to need no further explanation. However, I hope I shall be permitted to say a few words on this important question.

The idea of starting a college at Dhárwār dates back as far as 1876. When His Excellency Sir RICHARD TEMPLE visited Dhárwār the fact was mentioned to him, but the terrible famine that was staring in the face at the time prevented any proposals being entertained. In succeeding years the subject was laid before the several Governors that visited the province, and hopes were entertained that some day or other Dhárwār would be blessed with a college. The High School and the Training College were due to the efforts of the then Collector, Mr. E. P. Robertson, whose ardent wish it was to see an Arts College in the province. He collected a large amount of contributions for a college, which he intended to use for an Arts College, but ultimately a Training College was established. That institution is the fountain head of primary education. An Arts College would have done much in the advancement of the people. Years passed by and during the last decade plague broke out in our best districts and no action could be taken. With the improvement of High Schools the necessity of collegiate education becomes greater and greater every day. The few rich people who could afford to send their sons to Poona or Bombay did so. Our deserving students of the middle class are practically shut out from collegiate education, not having sufficient means to go to a distant place and defray the expense of collegiate education in places

like Poona or Bombay. The ten High Schools of the division of the Carnatic proper would feed any college started there. The Poona and Bombay colleges are practically shut out. There is no accommodation in them. There is hardly any standing room in the class. What sort of teaching there can be in a crowded class may well be imagined by educational experts. Sind has a college of its own; Káthiáwár can boast of two colleges. Then Gujarát proper has two colleges—the Baroda and the Gujarát colleges—while in the Maháráshtra districts, including Bombay, there exist ten colleges of all faculties, 5 of them being Arts Colleges. From the population point of view, Sind has a college for 32 lákhs; Gujarát has a college for 25 lákhs; Maháráshtra has got 4 colleges for 85 lákhs; Native States have got 3 colleges for 74 lákhs; while the poor Carnatic has got no college for its population of nearly 35 lákhs—a state of things scarcely to be met in the Indian dominions of His Most Gracious Majesty the King-Emperor. A comparison with Madras, once called the benighted Presidency, will convince the Council that the state of affairs in that Presidency is much better. Looking to the geographical position of the Madras Presidency, in the northern part, the Circars has two colleges at Masulipatam and Rajamahendry. Down in South Madras several colleges at Kumbakonam and Madura satisfy the wants of higher education. In the centre is the Trichinopoly and Salem and the Grand Agricultural College at Coimbatore. The Western Coast has a college at Mangalore and the Native States College at Trivandrum. This is a rough outline. Every nook or corner of the Presidency has got a college. Even the Punjab and Bengal are superior in this respect. Look at the state of things, in Bombay! All colleges are centred in tracts between the parallels of latitude between 18 and 24: while in the tract between 13 to 14 in the southern part there is no scope provided for higher education. Government should act as *má báp* in the cases of persons, who cannot take care of themselves. Take the pecuniary circumstances of the several provinces. Sind has rich zamindárs; Káthiáwár has a number of princes and chiefs; Gujarát has its merchant princes. The Deccan has got its sardárs and chiefs. What about the Carnatic? Unfortunately, it does not possess rich philanthropists, it has got a name as a rich Carnatic only. This name naturally it must have got from the rich spoils which Shivaji got when he looted Hubli in 1667. In times gone by the Rayats hoarded up their gold, etc. When once it was gone they became poorer and poorer. One thing is certain—that they have never suffered from any terrible famine. Providence has favoured them with a rich soil. All are individual landowners, with small holdings. There are very few persons who pay Rs. 2,000 at the most to Government. What handsome contributions can be expected from these people? Still, what is possible in the way of private contribution we will try to get, and there is some hope for success. Like other provinces we could not give a large quota of our own, and it is not as if the Carnatic had been one unit: unfortunately it has been cut asunder in four parts, one part going to Madras, another to the Nizam, and a third to Mysore, and the fourth one, to the care of the generous Bombay Government, on whom all our welfare depends and who will, it is hoped, treat us more generously.

In a country like India higher education can only be imparted by Government support and cannot be independently attempted by the people. Government lay much stress on the Sirsangi Desai's fund; but that fund, the balance of which is nearly Rs. 67,000, is still the subject of litigation, and besides, it is devoted mainly for the education of the Lingáyats of a particular class. So also the Lingáyat Education Fund, What is needed

is not a college for the education of some special sect, but we want a college opened for all classes of the people, four lakhs of the Mahomedans included. For want of a college we have not produced a single Mahomedan graduate. Up to now in the history of the province 2 Mahomedans have passed their B.A. : one happens to be the son of a Government servant, employed in the A'bkári Department, and the other also of a person who received some support from the Anjuman-e-Islam. But what is true of the Mahomedan holds good in the case of other classes, though not to the same extent. During the half a century that the University of Bombay has been in existence the number of persons who have graduated from the Carnatic is insignificant, and this is due to the want of a college in the vicinity of the Canarese country. During the first half of this half century not a single person graduated from the Southern Division. Those that graduated in the beginning were the sons of a few well-to-do persons. With the increase of secondary education it is only latterly that we find that the number is increasing to a small extent, and amidst such difficulties, partly due to the small aid received from the Lingáyat fund and partly by force of circumstances, the total number of graduates in the whole Southern Division in all departments is not more than 100. In the Deccan every year there are about 100 graduates. The language of the country where the students have to reside is difficult : the customs and manners differ to some extent, and even some difference can be observed in the nature of the food. Being far away from parental care there is every likelihood of these young men going astray. I will not take up the time of the Council by mentioning all the disadvantages our students are put to. The existing colleges being overcrowded cannot admit more students. There are no quarters for them easily accessible. The state of things is getting harder day by day in the case of the Canarese students. To remedy this evil from which the people of the Carnatic composed of 35 lakhs of His Majesty's subjects suffer, a college is a necessity, and I hope Government will find ways and means to establish one, of course with the co-operation and help of the inhabitants and with the small amount they will be able to subscribe. A poor country like the Carnatic cannot afford substantial monetary assistance, but will supply intelligent youths. There are no Sir Chinubhoys, Sir Currimbhoys and Sir Sassoons amidst us. Under the benign British Government the rules of administration are so well arranged that all receive equal attention in matters which concern their weal ; but I beg to bring to the notice of this Council that by some circumstances or other the Carnatic has received no attention as regards the higher education of residents of the place. I hope the state of things would not last long and the Council will see its way to lend a strong support to the resolutions. His Excellency Sir GEORGE CLARKE has done so much for the cause of education in other parts of the Presidency during the term of his office that it is earnestly hoped that his attention will now be devoted towards the backward and poorer people residing to the south of the River Krishna and north of the Tungabhadra. The establishment of a college for the Carnatic will be an accomplished fact if Government extend a helping hand to us ; and I hope His Excellency the Governor will be able to inaugurate the movement before he leaves for his dear home to enjoy well-earned rest and higher honours in years to come.

The Honourable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—I am very glad to be able to say that I cordially approve of the proposal which has been brought forward by my Honourable friends, Mr. BELVI and Mr. RODDA. I think, Your Excellency remembers that in this Council we the non-official members urged

upon Government the necessity of transforming the Gujarát College—an Institution owing its existence to private enterprize—to a Government College so that it might form as a model college for the Province of Gujarát. Immediately after the formation of the first reformed Council under the Act of 1892 we brought this subject year after year to the notice of Government and urged that each Division of the Bombay Presidency should have one model Government college for the purpose of supplying the needs of higher education in each of the Divisions. Unfortunately at that time the policy of the Government with regard to their relation with higher education in this Presidency was of an entirely different character from that which fortunately now prevails. For a long time it was maintained by Government that they ought not to have the remotest connection with Institutions for higher education in this Presidency, and acting on that policy this Council had to observe that as proposal after proposal was brought before it by the Revenue Member to reduce the small grant of Rs. 15,000, which we used to make to the University of Bombay, to Rs. 10,000, we strongly protested against the action of Government, and in so doing our reward was that it was reduced to Rs. 5,000 and when we made a further protest against that we were told that even the grant of Rs. 5,000 would be done away with. That was the policy of Government in regard to higher education in the early nineties. It was a matter of profound regret to us that Government should commit such a serious blunder in the attitude which they had taken up in this respect. We then pointed out that it was not only an educational blunder, but a political error for the State to take up an attitude of that sort with regard to the momentous question of higher education in this Presidency. It is and must be a source of great gratification to the people of this Presidency that the whole policy of Government has now been reversed in this matter; that they should have the closest relation with the progress of higher education in the Presidency; and that they should recognize that they have a high responsibility in the matter. I maintain that it is a matter of public policy that Government's connection with higher education should be of the closest and most responsible character. Therefore it is, that we now urge that the policy of Government to provide a model college for each of the Divisions of the Presidency should take this last and final step. In 1893 when I was pleading the cause of the Gujarát College and was asking that it should be transformed from a private institution into a Government model college, I urged at the same time that Sind which was in the same position should also have the advantage of a Government model college. But the necessity in the case of Sind was not so great as in the case of Gujarát. The Province of Káthiáwár has liberal minded and enlightened Princes who have supplied that need so far as that Province is concerned. There they have a College at Bhávnagar and another at Junágadh, due to the munificence of their enlightened rulers. Bombay has a Government model college and two aided Colleges. Poona has the Deccan College, largely provided for by the Government and owes its establishment to the Peshwa's fund; the other College there, I mean the Fergusson College, was brought into existence by the liberality of private individuals. With regard to the Fergusson College, when the policy of Government was so different from what it is now in regard to higher education, even this college was deprived of the small grant which at one time it received from Government. But, I must confess that our appeal to Lord Harris to restore the grant was met with a ready and cheerful response and after receiving a grant of Rs. 3,000 in the earlier years, it now enjoys the

fullest grant which Government can give to any private institution for imparting higher education.

The Bombay Carnatic still remains without one college and when Your Excellency and Your Excellency's Government have so much at heart the cause of the progress and development of higher education throughout this Presidency, I do not think that it can be disputed, for a single moment that Carnatic has a right to have a model college for itself in the midst of its teeming population. I will not go into the local circumstances which, as so ably pointed out by my Honourable friend Mr. BELVI, who was eloquently supported by the Honourable Mr. RODDA, make it imperative that if the cause of higher education is to prevail in Carnatic it is the duty of Government to supply it with a model Government college, irrespective of the financial assistance which they may or may not receive from its population. The Honourable Mr. BELVI has explained the character of that population. They are mostly agriculturists and very few of them are well-to-do zemindars. It is a class of population from which it is not possible to get large sums of money and which therefore requires specially and peculiar the aid of Government to meet its educational needs. I therefore hope that Your Excellency will give a most sympathetic consideration to the points placed by the Honourable Mr. BELVI and the Honourable Mr. RODDA in this Council.

Your Excellency, there is only one thing more which I would like to add and it is in regard to something that has fallen from my Honourable friend, Mr. BELVI. He spoke of the hints and suggestions with regard to turning the Gujarát and the Poona Colleges into teaching Universities. I hope, Your Excellency, the day will be far distant when such a catastrophe will be allowed to overtake this Presidency. I do not for a moment desire to say that teaching Universities are not useful in their own proper place. We know that in England single college universities have sprung up and done valuable work in the development of higher education in that country. But those single college universities have never been allowed to curtail or meddle with the functions and jurisdiction of the great Universities of Oxford and Cambridge to which England owes so much for her liberal minded culture. I have no objection to single college universities in India or in our Presidency, but I hope that nothing in the nature of single college universities will be allowed to meddle with the jurisdiction of the great University of Bombay, even supposing that they impart the same culture, or rather a culture of similar character in these provinces, though not to the same extent as the old Universities of Oxford and Cambridge do. In this connection it is well to remember that the jurisdiction of Oxford and Cambridge Universities have remained the same, though there have come into existence universities like those of Birmingham, Leeds, Manchester, etc., which have done very useful work in their own way. I hope that the hints that have been thrown out do not mean that the Bombay University is to lose its jurisdiction upon the colleges of this Presidency, for the usefulness of a University like that of Bombay lies in maintaining a uniform standard of education imparted by the different single colleges.

The Honourable Mr. C. H. A. HILL:—Your Excellency,—I beg to rise to a point of order. I do not think the Honourable Member is speaking to the resolution.

His Excellency the PRESIDENT:—I am afraid what the Honourable Member is introducing is quite irrelevant.

The Honourable Sir PHEROZESHAH :—If your Excellency thinks that I have gone too far into the subject—being carried away by my feelings—I ask Your Excellency's pardon and at once curtail my remarks. I will only say that I cordially support the proposals which my Honourable friends Mr. BELVI and Mr. RODNA have brought forward for the creation of a model Government College for the Division of Bombay Carnatic.

The Honourable MOULVI RAFIUDDIN AHMAD said :—Your Excellency,—As I wish to vote in favour of the motion I wish to support it by a speech. In the first place, I venture to differ from Sir PHEROZESHAH MEHTA in regard to the observations which he has made with respect to the policy of the British Government regarding higher education. My honourable friend is entirely wrong in saying that the policy of the British Government is to discourage higher education and the credit which he gives to himself and his friends in remedying the matter is rather exaggerated. The policy of Government, as far as I know and as far as has been pointed out by persons who are as competent to speak as Sir PHEROZESHAH MEHTA, has been always to encourage higher education in this country long before there were any agitating public bodies or political institutions. It was the height of ingratitude to suggest that the policy of Government had ever been otherwise. If at a certain moment a temporary check was given to the policy, then to speak of it in this Council as Sir PHEROZESHAH has done was not to give the right impression to the public at large about the Government's policy respecting Universities and Colleges, which came into existence long before the people knew of political institutions and political agitation. It was creditable to Government that they instituted these institutions long before any idea of higher education took root into the public mind. I also disagree with Sir PHEROZESHAH in regard to his views in respect of teaching universities. In the eyes of some people any stick is good enough to beat the dog and the British Government just now is the dog. If Sir PHEROZESHAH looked at the report of the University Commission he would find that the Commission recognized the importance of teaching universities. The movement for the establishment of Hindu and Mahomedan Universities at Benares and Aligarh, respectively, showed that teaching universities were absolutely essential.

His Excellency the PRESIDENT :—I hope the Honourable Member will confine his remarks to the motion before the Council.

The Honourable MOULVI RAFIUDDIN, continuing, said :—There is an absolute necessity for a college in the Carnatic. It would be very useful to the Mahomedan population of the Province. As the Honourable Mr. BELVI has pointed out, there are five lakhs of Mahomedans in the Carnatic and there is a great difficulty of inter-communication between Karwar and Poona. It takes two days to reach this place. A number of Mahomedans complained to me about the lack of inter-communication, and also about their poverty to avail themselves of higher education. As the Honourable Mr. BELVI has remarked, living in Bombay and Poona is dearer than in Dharwar and other parts of the Southern Division. I do not think that Government can go back on its declaration of encouraging higher education, but I fear that the reply of Government would be just what it was when I brought my motion for the establishment of an Urdu College, *viz.* the difficulty of the allotment of expenditure to the different needs of the Educational Department. But if the Educational Department require any popular

support for spending moneys on a particular branch of education, I think we shall all give them that support. The money should be devoted to the establishment of this college in preference to the small needs of the Carnatic, apart from the public contribution promised by the Honourable Mr. BELVI. If this college were established it would open to the people of the Carnatic the door of higher education and would really satisfy a great need. I hope the Honourable Mr. HILL in his reply will not only show sympathy, but give some promise that the needs of the people of the Province will be satisfied.

The Honourable Mr. HARCHANDRAI VISHINDAS said :—Your Excellency,—My right to speak on the subject is that at one time we were in the same condition in Sind as the people of the Carnatic now find themselves in. I, therefore, sympathise with the demand for a college in each province. The people of Sind were labouring under great disadvantages. They, therefore, made efforts to collect funds and fortunately they were able to launch the college into existence with the assistance of Government, and the college is now working satisfactorily. One could not foresee what the Government reply would be, but I think that a sufficiently strong case has been made out by the Honourable Mr. BELVI and the Honourable Mr. RODDA for the establishment of a Model College at Dharwar. The main difficulty which the Government would experience would be on the score of funds, but they must remember how Government financed the Sind Arts College at first and supplemented the grants subsequently. If any objection on the score of funds were raised in regard to the proposed college, I do not think it a reasonable argument to offer. As the Honourable Mr. RODDA has pointed out, the subject is of such great importance that it should take precedence over every other expenditure which Government has to meet. At the same time, while considering the question of finances, Government should not lose sight of the fact pointed out by the Honourable Mr. BELVI and the Honourable Mr. RODDA, and emphasised by the Honourable Sir PHEROZESHAH MEHTA, that the policy of Government should be to provide each Province with a separate college and to support it from the Public Exchequer. At the same time, while considering the financial conditions involved in the question, they must bear in mind that the Honourable Mr. BELVI offered to collect two lakhs of rupees. It was a satisfactory offer, and I think that Government will do well to accept the motion.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said :—Your Excellency,—I am afraid that my Honourable friend Mr. RAFIUDDIN has entirely failed to grasp the remarks made by the Honourable Sir PHEROZESHAH MEHTA, and I am also afraid that Mr. RAFIUDDIN's want of knowledge of the real policy of Government as laid down by the Education Commission led him to make the remarks he has offered. The Honourable Member seemed to imagine that when Sir PHEROZESHAH referred to the past policy of Government, what he referred to was the policy of discouraging higher education. I might say that if the Honourable Member took the trouble of studying the proceedings of the Education Commission and the discussion that followed and the enunciation of policy that took place, he would find that the policy of Government was not at any time to discourage higher education. The policy then was this that Government thought that the responsibility of higher education should be left more to private enterprise than to Government, and the policy that was laid down was that as far as possible Government should encourage private enterprise to take over and manage institutions for higher

education. That was the policy which Sir PHEROZESHAH had referred to, and this policy was well known to everybody who had taken the trouble to study it. That was the policy laid down and followed in those days, and in consequence of which Government tried to disconnect themselves from the management and control of institutions like colleges and high schools. The Honourable Sir PHEROZESHAH was right in pointing out that it was certainly a matter of great satisfaction that this policy had been changed. Government has now reversed the former policy and assumed closer connection with higher education, and as Sir PHEROZESHAH has pointed out it is not only in the best interests of education, but it is high political wisdom, that the policy of handing over higher education to private enterprise was discontinued. It is perfectly true, and everybody will admit it, that it would be unwise to leave higher education entirely to private control because they never knew how that private enterprise was conducted and what ideas would be imparted to young people. I perfectly agree with the Honourable Sir PHEROZESHAH that Government should recognise the necessity of closest and responsible connection with institutions for higher education. In regard to the proposition I entirely agree with the honourable movers that a separate college should be established in the Karnatak Province and cordially support the motion. I was one of those who joined with the Honourable Sir PHEROZESHAH MEHTA after the Reform Council of 1893 was brought into existence, in urging upon Government to take the Gujarát College in their charge and make it a model institution. It is a matter of satisfaction that the Gujarát College has now become a Government institution. We have always urged that not only in Gujarát but in every division of the Presidency, Government should maintain a model college. It was then pointed out by us that Poona had two colleges, and it was only right that Sind, Gujarát and other provinces should have their colleges. I say that it is certainly imperative that a college should be established and maintained in the Carnatic. It will be a very good thing if the people of the division collected two lakhs of rupees, but whether they did this or not it will be in the interests of the public as well as the State if Government maintain a college in the Carnatic as they do in Sind, Gujarát and Poona. With these remarks I cordially support the proposition.

The Honourable Mr. LALUBHAI SAMALDAS said:—Your Excellency,—I have great pleasure in supporting this resolution. Both Honourable Mr. BELVI and Honourable Mr. RONDA have made out a strong case in favour of an Arts College in Carnatic. I shall try to show that such a scheme is feasible. The Honourable Mr. BELVI assures us that he can raise two lakhs of rupees from the people, if the Government held out a promise to establish and maintain the college. I do not think it will be difficult for for him to raise three lakhs instead of two. This amount will bring an annual income of about Rs. 12,000. There will be Rs. 10,000 in the shape of fees from the students, if we take the figure of students at 125, each paying a fee of Rs. 80 per year. The total expenditure is estimated not to exceed Rs. 30,000 a year. If Government contribute an amount equal to what they give to the other aided colleges, there will be no financial difficulty in starting the college, provided the Honourable Mr. BELVI raised three lakhs of rupees and carried his part of the contract. With these words I support the motion.

The Honourable Mr. C. H. A. HILL said:—I think, Your Excellency, it might save further discussion in the Council if, since Government are prepared to accept, with

a certain modification, one of these resolutions, I now explain the circumstances in which Government find themselves able to do so. In the first place, I should like to congratulate the Honourable movers of these resolutions, both on the subject, and on this occasion also on the manner in which they have urged their propositions. These relate to a most important matter, which, as they have pointed out, has already engaged the attention of Government for over ten years, and Government are very glad to have had it ventilated in this Council. But since there seems to be some confusion as to Government policy in the past, and since one honourable gentleman after another has got up and contradicted his predecessor, and even the last of them, the Honourable Mr. CHIMANLAL SETALVAD is not quite correct in his diagnosis I should perhaps begin by explaining as briefly as possible what the history of Government policy is, and why it is that while there has been no actual change of principle there possibly has been a change in the application of the principle upon which the Government policy has been based. The principles on which Government aid and support higher education do not date, as the Honourable Mr. SETALVAD seems to suppose, from the Education Commission, but from the date of that very important despatch of Sir CHARLES WOODS of 1854, which specifically laid down that in respect to higher education private bodies and the public generally should be encouraged, as far as possible, to contribute towards, and thus support, the cause while primary instruction would form the more particular care, and be recognized as the immediate responsibility, of Government. The principle has been followed consistently throughout, and there has been no material change down to the present moment. It is only a question of how far that principle can be applied in practice which from time to time has caused apparent modifications of policy.

Then, with regard to applying that principle to the present case, I should like to remind the Council that the reason why the Karnátik has hitherto failed to secure a college of its own is that it has failed to indicate by practical means its desire for such a college. It is quite true, as the Honourable Mr. RODDA pointed out, that the first application for a college dates from the 70's, but asking for a thing and showing real signs of a practical desire for it are two very different things. On the one hand we have had Sind, Gujarát and Maharashtra all giving practical testimony of an urgent need of and a determination to have, higher education at their doors, while in the Karnátik there has been apathy and indifference. It is not the case that there is no money in the Karnátik, or that the people have not enough funds to contribute. It is that there is not enough zeal on the part of the more wealthy in the cause of education. Neither the policy of Government nor the poverty of the people has hindered it. Government in 1903, when the Honourable Mr. GILES was Director of Public Instruction, first emphatically encouraged the idea of establishing a College at Dhárwár, and since then, in Lord Lamington's time, and again last year in His Excellency's time, Government have assiduously endeavoured to promote in the Karnátik that practical indication of the need for higher education, which, in accordance with the policy which has been persistently pursued by Government, must precede an allocation of public funds. The allegation that there is such a need is, I hope, now going to be substantiated, and we hope now very earnestly that the people of the Karnátik will come forward and show by their deeds that they are in need of a college and if they do so I can undertake on behalf of Government to say that no one will be more pleased than Government to contribute as much as they are enabled to do under the rules and with reference to their resources. I do not think very much more

need be said in respect to this, but I should like in conclusion, on behalf of Government, specially to appeal to the leaders in the Karnatic, in addition to the Honourable Members who have moved these two resolutions on this subject, and to beg them to use all the efforts of which they are capable to raise the sum—whether it is two lakhs or three lakhs, is immaterial—which may be necessary to enable Government, in accordance with the principles which have guided them in Gujarát and the Deccan, to finance an Arts College at Dhárwár.

I do not think it would be proper that I should follow the Honourable Sir PHEROZESHAN, whom I regret I had to interrupt on a point of order, into the question of the distribution of Universities throughout the Presidency. His Excellency, if necessary, will explain the situation. But I rather regretted for the moment I was compelled to rise to the point of order, because I felt if my Honourable friend had been allowed to proceed, he might perhaps have landed himself in a position which might have proved somewhat inconsistent with support of the resolution. In conclusion, Sir, I should say that if Resolution No. 6 can be, with the consent of the Honourable mover, modified so as to read: "That the Governor in Council may be pleased to consider the establishment of an Arts College at Dhárwár," Government will be very pleased to accept that resolution and to act upon it.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I accept the modified form which the Honourable Mr. HILL wishes to give to my resolution. I feel thankful for the expression of sympathy by Government with my resolution. All that I am anxious to see is that measures would be soon adopted for the establishment of a Model Arts College in my Division.

His Excellency the PRESIDENT:—If the Honourable Member takes out the words "at an early date" then we can accept the resolution.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—I am willing that the expression "at an early date" may be taken out, but I do so under the belief that the matter will not be indefinitely postponed.

The Honourable Sir PHEROZESHAN MEHTA:—Please accept the suggestion.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—If Government is prepared to accept Mr. RODDA's resolution.

His Excellency the PRESIDENT:—Government are willing to accept the Honourable Mr. RODDA's resolution, which asks us to establish an Arts College at Dhárwár.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—With that assurance I beg to withdraw my resolution.

The Honourable Mr. BELVI then withdrew his resolution.

His Excellency the PRESIDENT:—The proposition now reads: "That the Governor in Council may be pleased to consider the establishment of an Arts College at Dhárwár." As my Honourable Colleague, Mr. HILL, has so well explained the attitude of Government in regard to this question I need detain the Council but a very short time. We entirely sympathise with the views that have so well been expressed by the Honourable Mr. BELVI and the Honourable Mr. RODDA. I feel, as the Honourable Sir PHEROZESHAN

MEHTA has said, that the absence of an Arts College in the Karnatic is a blot on the symmetry of the geographical distribution of our system of higher education, but at the present time this Government is spending more on education than any other Bombay Government ever spent before, and it is also spending more in relation to its revenue than any other Province in India, and we do not at the present time see our way to take over the whole expenditure on an Arts College, even where we see it is so very much wanted. If, therefore, the people of the Karnatic will rouse themselves, and as the Deccan Education Society has done, work and raise money and come to us with a liberal offer, then Government will most carefully consider whether they cannot meet their wishes. I understand this will be a very good year for the Karnatic, and if that is so, it would be a very good time to commence operations for raising the money. This discussion has been marked by an extraordinary amount of irrelevancy and that is entirely my fault; but as this is the last session of the present Council I thought it was inadvisable to draw the reins too closely. Perhaps as that irrelevancy has occurred in the discussion you will permit me also to be irrelevant in replying to one or two points which were raised in these irrelevancies.

I want to take this opportunity of correcting a misconception which seems to have arisen from some words of mine at Ahmedabad. There is no proposal before this Government or the Government of India, for the creation of new Universities in the Presidency, and at the present moment only the Dacca scheme has been definitely decided upon, though both the Aligarh and the Benares projects are, I trust, in the way of an early settlement. What I had in mind was the necessity for sub-division in the interests of higher education in our Presidency. The present arrangements are tolerable only in the early stages of collegiate training, and we are happily advancing beyond them. In these matters India must follow the example of Europe and America or lag behind in educational progress.

It is my personal opinion—and my personal opinion only—that in this Presidency the time for change has come. The object would of course be to bring the University of Bombay into line with those of Oxford and Cambridge, which, as the Honourable Sir PHEROZESHAH MEHTA seemed to forget, exercise no jurisdiction over the colleges outside their restricted geographical areas. Others may quite naturally think that the present arrangements should continue for a greater or less period; some, like the Honourable Sir PHEROZESHAH MEHTA, would say “Never.” But, no one who has any real knowledge of higher education can fail to understand that these rudimentary arrangements must, in time, give way to more advanced methods. I hope that these few words will make matters clear to Honourable members and to all interested in this question.

The resolution was then carried as amended.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said :—Your Excellency,—The next resolution standing in my name runs thus :—“That this Council recommends that the Model Farm be retained at Dhulia and not moved to another place”. I understand that the officials have not fully considered the question. I therefore ask leave to defer consideration of this resolution to the next meeting.

The motion was agreed to.

**BILL No. X OF 1912 (A BILL TO AMEND THE INDIAN
LIMITATION ACT, 1908).**

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—I beg to move the second reading of Bill No. X of 1912, a Bill to amend the Indian Limitation Act, 1908, as now finally adopted by the Select Committee. The urgency of the measure is already allowed. I have explained to the members of the Council the aims and object of this Legislative measure,

The Honourable Mr. M. B. CHAUBAL moves the second reading of a Bill to amend the Indian Limitation Act, 1908.

and I will now state to the Council the changes which have been made in the Bill by the Select Committee. The Select Committee in clause 2 have substituted "six months" for "two months" both because that is the time which is given by clause 5 for applications to restore suits dismissed or withdrawn owing to the decision of the High Court and because the Select Committee were informed that the volume of applications before the Conciliators in some districts will be so large that they will not be able to deal with it within two months. And even as regards the period now provided, Government will have to issue an executive order, through the District Judges, requiring Conciliators to note the necessity of disposing of these applications within the six months, and therefore to give preference to these applications before any others. Clause 2 has also been amended so that the necessity of producing a certificate obtained within the year preceding the filing of the suit in accordance with section 47 of the Dekkhan Agriculturists' Relief Act might not come in the way of the mortgagee plaintiffs whose hardship it is intended to remove by this measure.

The language of clause 3 has been changed so that the circumstance of the 7th August 1910 having been a Sunday might not preclude suitors from the benefit of the period of grace provided for by 31 of the Limitation Act, 1908.

In clause 5, it was brought to the notice of the Select Committee that several mortgagee plaintiffs, in the belief that their suits would eventually fail owing to the decision of the High Court, either failed to pay the process-fees or committed some other act of default in consequence of which their suits had been dismissed. This clause has therefore been altered so as to bring in this class of suitors if the Judge was satisfied that the default or non-prosecution was due to such belief.

The Select Committee have further added a clause by which applications before Conciliators in suits of the character mentioned in section 31 of the Limitation Act disposed of by them after the date of the High Court's decision can be restored if an application for such restoration was made within two months.

The Select Committee have also added a clause to safeguard the interests of any *bonâ fide* alienees that may have come into existence between the date of the High Court decision and this date.

The Select Committee have thus extended the benefit of this relieving measure as widely as they reasonably could.

For these reasons I now pray that the motion for the second reading of this Bill be passed by the Council.

The Honourable Mr. DATTATRAYA VENKATESH BELVI said :—Your Excellency,—The measure, of which the second reading has just been proposed, was absolutely

necessary, and I think the grateful thanks of the whole population of the Bombay Presidency are due to Government for bringing it forward at a very critical time. This is, indeed, a measure which affects the rights of poor litigants in a very large number of cases. I make this acknowledgment unreservedly, because I know that, including myself, a large number of lawyers practising in the Moffussil were responsible for misleading a good many clients that suits could be instituted even after the 7th of August 1910 where applications had been made to Conciliators previous to that date. We found after the decision of the High Court that we lawyers were in the wrong, and I am glad that our mistake has been corrected by Government by this measure. As to the merits of the measure, it is only in the last clause, in which provision has been made for a period of two months, that I was at one time tempted to propose three months instead of two. But I am told that the time that will elapse between the passing of this measure and its final sanction by His Excellency the Viceroy will be at least one month or so, so that, virtually, the period of time extended will be three months. I have only to make one suggestion, and it is that by an executive order of Government people in all villages should be informed of this period of time provided in the last clause. An order should be circulated through Mámáldars to Circle Inspectors and through Circle Inspectors to Village Officers asking them to inform every money-lender that if his suit has been dismissed owing to this reason, he can go to the Conciliator or to the Civil Court and have his case restored. I think it is a useful measure. It is not necessary that its second reading should stand over. I intended to move for an adjournment of the second reading, but an explanation was kindly given to me in private by the Honourable Member in charge of the Bill. I found it very satisfactory, and I do not wish to move an adjournment.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR :—Your Excellency,—The time given to the suitors to apply for the restoration of their suits on the file of the Conciliator is two months, as provided by clause 6. In clause 2 we give six months to all suitors who have not as yet filed their suits. Now, in reference to those suitors whose suits have been dismissed, they will have to go to the Conciliators in two months, and we give four months to the Conciliators to vary the proceedings and grant certificates, so that suitors may come in time. As to those who have yet to file a suit, the Select Committee has already extended the period from two months to six months. But I do not think these six months would be ordinarily sufficient. It is therefore very necessary that besides giving executive orders to the officers concerned to inform the money-lenders to get their cases restored on the file of the Conciliator within two months, some assistance might be given to the Conciliators to cope with the clerical work which these applications will involve. I think it would be well to request District Judges to supply clerical assistance to the Conciliators, so that they might dispose of, with despatch, the additional work allotted to them. I am told there are yet certain applications before Conciliators as summonses have not reached defendants in time. I fully appreciate the suggestion made by my Honourable friend Mr. Belvi.

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—I think I have already mentioned that it is the intention of Government to issue executive orders which will facilitate the working of the Act as it is now drafted in respect of the time and the point which the Honourable Mr. KARANDIKAR has mentioned just now.

Bill read a second time.

The motion to read the Bill a second time was then agreed to.

Consideration of the Bill clause by clause.

The Council proceeded to consider the Bill clause by clause.

Clause 1 was agreed to.

[Clause 2.]

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—I beg to propose a verbal alteration in clause 2, namely, the substitution of the words “last mentioned Act” after the words “Under section 39 of the” in place of “Dekkhan Agriculturists’ Relief Act,” as that Act has already been mentioned.

The clause as modified was carried.

Clause 3 was agreed to.

[Clause 4.]

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—As to clause 4, I stated in moving the second reading of the Bill that instead of saying “provisions of sections 2 and 3” it would be quite enough if we say “provisions of section 3”. I therefore propose a formal amendment for changing the word “sections” into “section” and drop the figure “2” and the word “and”. I have already mentioned this is necessary because the removal of the word “and” would not do any harm. All the cases included in section 2 are already included in the draft of clause 2.

Clause 4 as modified was passed.

Clause 5 was agreed to.

[Clause 6.]

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—In clause 6, I propose a very small verbal alteration and it is to change “may” into “shall” in the fifth line from the end, after the words “dismissed after the 23rd day of February 1911”. This alteration is necessary, because it is not advisable to give officers of the status of Conciliators any discretion in the matter. If the application is made within two months, then the Conciliator is bound to restore the case.

The clause as amended was agreed to.

The Honourable Mr. SETALVAD :—Your Excellency,—In view of this change in clause 6, may I be permitted to suggest that it would be desirable to make a similar alteration in clause 5 (1) (c) and clause 5 (2)? In both these places the word “may” has been used, but if the word “shall” is inserted instead, it would bring the phraseology into line.

The suggestion was accepted, and clause 5 was again put to the vote in the modified form and agreed to.

[Clause 7.]

The Honourable Mr. M. B. CHAUBAL :—Your Excellency,—The added clause 7 runs thus :—“Nothing in this Act shall affect the interests of third parties that may have come into existence between the twenty-third of February 1911 and the twenty-eighth of September 1912.”

This was also agreed to.

The Honourable Mr. M. B. CHAUBAL:—Your Excellency,—This measure having passed its second reading, I now formally move that it be read a third time and passed into law.

Bill read a third time and passed. The third reading was then carried and the Bill was passed.

ADDRESS BY HIS EXCELLENCY THE PRESIDENT.

His Excellency the PRESIDENT said:—Honourable Colleagues of the Bombay Legislative Council,—Nearly three years have passed since, when addressing you for the first time, I gave a brief sketch of constitutional progress in our Presidency culminating in the Reform of 1909, which changed the constitution of this Council, enlarging its members from 22 to 46, with a non-official majority, and at the same time greatly increasing its powers in several directions. I then explained that Government wished to keep the official element as low as possible, and in making our first nominations, therefore, we decided to select only nine officials out of the 14 permitted to us by law. The result of this decision was that non-officials have a majority of 20 and Indians a majority of 12 on this Council. We think that our liberal policy has been fully justified by the experience of the past three years, and while it is necessary for us to include officials who, as the heads of departments or otherwise, are in possession of direct knowledge which is valuable for the purposes of our debates, we shall continue to keep the number of officials as low as we consider practicable. The regulations dealing with elections, which have been the subject of some criticism, have now had a preliminary trial, and I think it must be admitted that on the whole they have worked well. Some changes may be necessary, and full consideration will doubtless be given by the Government of India to any recommendations made by the Provincial Government as the result of their past experience.

In January 1910, I could tell you that "a fair white page lies open before us". Let us now see what has been written upon that page during the life of this Council. We have dealt with 22 Bills, including two private Bills, and of this total 18 have passed into law. Two of these Bills—the Medical Registration Bill and the Racing Bill—are of special importance because they mark a new departure and may be regarded as being of the nature of pioneer legislation. Of the effects of the first it is too soon to speak. The new Medical Council has just been formed, and the Honourable Surgeon-General STEVENSON, in an excellent inaugural address, has explained its true and most necessary functions in upholding the honour and the prestige of a great profession. I am sure that the benefits will in time be widely recognised. The Act simply follows the universal proceedings of all advanced countries, and I am glad to think that our Presidency has come into line with the general progress of the world in conferring a defined position upon the hitherto unorganized and inchoate Indian Medical Profession.

Of the effects of the Racing Act we are already, partially at least, able to judge. The change in the atmosphere of the race-course is most marked. It is no longer possible for young Indians to be ruined by attending races, and what we have now to look to is the prevention of outside betting and gambling. It is a particular satisfaction to

Government that the stewards of the West of India Turf Club have cheerfully accepted the changed situation and are working in full harmony with us. I warmly congratulate the Council on the passing of these two Bills, by which with no uncertain hand we have pointed the way to important reforms, and I am certain that they will in time be imitated in other parts of India.

There is another Bill of the pioneer class which has not met with an equally happy fate. The Registration of Charities Bill, which we owe to Sir IBRAHIM RAHIMTOOLA, shows the way to necessary reforms which before long will be strongly demanded by the people of India. It has passed through the ordeal of a Select Committee and I believe that, as amended, it would have received the almost unanimous assent of this Council. It has not, however, commended itself at present to the powers that are above us, and we must exercise the virtue of patience. I was anxious that in my time I might see the passing of this measure, not only on account of its merits, but as a beginning of Private Bill Legislation, which Government wish to encourage. That is not to be; but I can assure my Honourable friend that he has lighted a fire which cannot be put out, and that before long his proposals will receive legal force in this Presidency at least.

Turning to resolutions on matters of public interest we have dealt with 32, of which 10 were withdrawn, 9 were passed by acclamation and 11 were rejected. Of these, eight were rejected by acclamation and three on a division. Of 18 resolutions on the Budget, 10 were withdrawn and eight were rejected by acclamation. We have had 18 Select Committees, which have done very valuable revising work, and I wish to draw your attention to the composition of these committees. On 13 of them there were non-official majorities, and on four officials and non-officials were equally divided. On seven committees there were elected majorities and on 15 there were Indian majorities. On one only, for special reasons, the majority was European. Government have in every case accepted the recommendations of these Select Committees, and embodied them in their Bills. Government have answered, or undertaken to answer, about 1,467 questions, and I hope that the answers, which in some cases have involved much trouble, will be of practical value to the questioners.

Anyone who considers the facts to which I have drawn your attention can hardly fail to arrive at two very important conclusions. In the first place, this first enlarged Council has accomplished much good work of a sound and permanent character. In the second place, the influence of Indian opinion has been asserted to an extent previously impossible. In view of the figures I have given you, it can no longer be said that Indian opinion, which dominates this Council, plays no part in the functions of Government, or in the administration which is charged with the duty of working the measures upon which the Council decides. At the same time full advantage has been taken of the increased power of criticism and of enquiry, which were an important feature in the scheme of Reform. I am sure that those powers, when exercised in the right spirit, are beneficial. To speak of "official legislation" is now to misuse language. The initiative must remain mainly with Government, as in all other countries; but the composition of this Council and the methods of procedure adopted are such as to guarantee full weight to Indian opinion, which stamps every decision at which the Council arrives. If I may be permitted to give a word of advice to my Indian friends it is this: "Try to bring forward constructive proposals in this Council, to which Government will always give sympathetic consideration."

There is only one matter to which I refer with regret. I trust that Honourable Members who may not agree with a ruling from this chair will not attack that ruling in the public Press; because such a course is evidently discourteous to the President and to the other Honourable Members of this Council. It cannot be that every ruling will always commend itself to the recipient; but at least he can be sure that a ruling which is unsound is not likely to stand permanently.

A general election rarely occurs without some slaughter, and this Council, as now composed, will never meet again. In parting from you, I wish to express the thanks of Government and my own to each and every Honourable Member who has taken part in our labours. I can say with perfect sincerity that the hopes which I cherished and expressed when we first met together have been fully justified by the experiences of the past three years. To you fell the honour of inaugurating a most important new departure in Council Government, and you have worthily borne that honour. Alike in tone and in dignity of debate this Council has set an example to its successors. Differences of opinion must exist in all Councils, but there has scarcely been a jarring note to disturb the harmony of our common efforts for the public good. That is the true spirit of Government by Representative Assemblies, which is too frequently obscured by faction and self interest. Reasoned discussion, readiness to give and take, votes given in accordance with the dictates of conscience influenced solely by the merits or demerits of the questions at issue and with a single eye to the good of the State—these are the essential characteristics of a patriotic assembly; and the country which can produce such a body is assured of harmonious progress. That this Council should have justified the hopes of those who supported the Reforms of 1909 is a happy augury for the future of India, and I am glad to think that it also marks a distinct advance towards the ideal of Government through the people.

In conclusion I take this last opportunity of saying that I am sure that this Council and all the people of our Presidency are united in warm sympathy with the Japanese Government and people in the terrible disaster which has caused widespread loss of life, suffering and destruction in one of the fairest parts of the world.

The Council then adjourned.

PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Secretary to the Government of India, Legislative Department, No. 2400, dated the 9th August 1912. Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay Medical Act, 1912.
See Appendix F.
2. Letter from the Secretary to the Government of India, Legislative Department, No. 2500, dated the 19th August 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copies of (1) the Law further to amend the Bombay District Municipal Act, 1901; and (2) the Law further to amend the Bombay Land-Revenue Code, 1879.
See Appendix G.

3. Letter from the Government of India, Legislative Department, No. 2604, dated the 30th August 1912.—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay Abkari Act, 1878.
See Appendix H.
4. Petition from Messrs. Cowasjee Dinshaw and Brothers and 45 others, residents of Bombay, dated September 1912, regarding the Bill further to amend the Bombay Tramways Act, 1874.
See Appendix I.
5. Letter from the Secretary, Improvement Trust, No. 7268, dated the 23rd September 1912, regarding the Bill further to amend the Bombay Tramways Act, 1874.
See Appendix J.
6. Letter from Ráyáji Dattátraya Pai of Málwan in the Ratnágiri District, dated the 23rd August 1912, regarding the Bill to amend the Indian Limitation Act, 1908.
See Appendix K.
7. Petition from Rájárám V. Kulkarni of Málwan in the Ratnágiri District, dated the 27th August 1912, regarding the Bill to amend the Indian Limitation Act, 1908.
See Appendix L.
8. Petition from the members of the Bar of the Sub-Judge's Court of Vita in Khánápur Táluka of the Sátára District, dated the 2nd September 1912, regarding the Bill to amend the Indian Limitation Act, 1908.
See Appendix M.

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,

Poona, 28th September 1912.

Secretary to the Legislative Council.

APPENDIX A.

EDUCATIONAL DEPARTMENT.

Bombay Castle, 6th September 1912.

With reference to question No. 8 put at the meeting of the Legislative Council held on the 8th July 1912 by the Honourable Sardar Syed Ali El Edroos regarding the opening of Urdu girls' schools in those villages of the districts of Broach, Kaira, Ahmedabad and Panch Maháls in which there are flourishing Urdu boys' schools, it may be stated that the District Local Boards concerned are not in a position to open an Urdu school for girls in every such locality. The prospects of success in the case of additional Urdu girls' schools in these districts are slender. A large number of such schools was opened in the Broach district some five or six years ago, but many of them have since had to be closed because they proved entirely unsuccessful, while some of those which still remain open are doing little good. New Urdu girls' schools will be opened at the cost of the Darbár grant as far as funds permit wherever there is a real probability of their proving successful.

J. L. RIEU,
Secretary to Government.

APPENDIX B.

Statement showing the number of serious crimes visited and minor crimes investigated by Deputy Superintendents of Police in Sind in the years 1909, 1910 and 1911.

	1909.		1910.		1911.	
	Serious crimes visited.	Minor crimes investigated.	Serious crimes visited.	Minor crimes investigated.	Serious crimes visited.	Minor crimes investigated.
Karáchi	1	...	6	...	9	...
Hyderabad	8	...	4	6	11	22
Sukkur	5	...	8	3	3	1
Lárkána	7	...	15	2	22	3
Thar and Párkar	6	...	12	...	16	...
Upper Sind Frontier	14	...	18	6	16	4
Total	41	...	63	17	77	30

APPENDIX C.

Indms and Jágitt.

No. 2689.

REVENUE DEPARTMENT.

Bombay Castle, 24th May 1880.

Letter from the Commissioner, Central Division, No. R-1290, dated 24th April 1880.—Reporting that the village of Dongargaon in the Niphar Taluka of the Násik Collectorate is a co-shared dumala village entered in the names of Trimbak, Anandrao and Gopal Ganesh who have two sub-sharers, Malhar Yeshwant and Martand Mahipat, in the village revenue, though their names are not entered in the accounts, that these two persons own certain lands in the village which are not shown in the accounts as inám, but as holdings of ordinary occupants the revenue of which has been for the last forty years adjusted in the accounts as a set off against the claims of the occupants to their respective shares in the village revenues, instead of being paid in cash, and this practice continued uninterrupted till 1873-74, when, owing to some private misunderstanding between the principal dumaldars and the sub-sharers, the former issued orders to the village officers to recover the assessment of the aforesaid lands in cash and not to adjust the amount in the accounts as before, and the parties having refused to make payment in cash, the matter went up before the Revenue authorities who have been asked by the principal dumaldars to assist them in recovering the amount; stating that the question is whether, under the above circumstances, it would be proper for a Revenue officer to assist the principal dumaldars in recovering in cash an assessment which in reality has never been so levied by them, at any rate, for the last forty years; and adding that he himself is inclined to think that as a Revenue officer is principally to be guided by the established custom in such matters he ought to refuse assistance in such cases.

Memorandum from the Remembrancer of Legal Affairs No. 591, dated 7th May 1880—Stating that he concurs with the Commissioner in thinking that the Revenue officers appealed to should not lightly disregard the practice prevailing between the parties for the last 50 (40) years; and adding that if the parties obtain a settlement of their dispute in the Civil Courts the Revenue officers may then in the future grant assistance without hesitation in accordance with the Court's final decree.

RESOLUTION.—Copy of the report by the Remembrancer of Legal Affairs may be forwarded to the Commissioner, Central Division, for information.

2. The preferable course to adopt will be to refer the parties concerned to the Civil Courts for the decision of their respective rights.

(Signed) J. NUGENT,
Acting Secretary to Government.

APPENDIX D.

GREAT INDIAN PENINSULA RAILWAY COMPANY.

AGENT'S OFFICE.

No. 87-R/2.

Bombay, 20th September 1912.

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,

Bombay.

Jagree rates.

Sir,

With reference to your letter No. D.—311-Ry., dated the 16th September 1912, forwarding for my remarks a copy of question No. 2 put by the Honourable Sardar Shambhusing Amarsing Jadhavrao, Raje of Malegaon, at the meeting of the Legislative Council to be held on the 26th September 1912, regarding the rate for Jagree exported from Diksal

station, I have the honour to state that wagon scale rate "Y" as below was applied to Jagree from Diksal in 1898, when the industry was in its infancy, with a view to develop the traffic. The scale applied differentially, that is, the charge for the greater distance is applicable to the shorter if cheaper:—

		Per wagon per mile.	
		Re. a. p.	
1 to 100 miles	0 6 0
101 to 250 miles	0 5 0
251 to 600 miles	0 4 0
601 and beyond	0 3 0

2. At the time, the majority of our wagons were of 11 tons carrying capacity, but since then nearly all have been replaced with wagons of higher capacity.

3. This wagon scale rate was quoted not only for Jagree from Diksal but for a number of commodities between different points with the same object, but in view of the fact that the capacity of our wagons had been increased to 16, 20 and 22 tons, the position had to be reconsidered as it was found in many cases the existing rates were not remunerative.

4. The basis of all rates is what the traffic can bear, and it was found on enquiry that Jagree from Diksal and other places could bear a much higher rate than the scale wagon rate charge, which, due to the increase in the capacity of wagons, in many cases amounted to 1/10th of a pie per maund, per mile, the minimum allowed by Government for the lowest class of traffic, such as stone and other minerals. In fact, in some cases it was found that when wagons of higher capacity than 11 tons were supplied such as 20 tons the charge per maund was considerably below the legal minimum allowed by Government.

5. It being necessary for the reasons stated, to cancel the wagon rates, it had to be decided what the maund rate should be for Jagree from Diksal.

6. The sanctioned classification for Jagree is 1st class, that is 33 pie per maund per mile, but having regard to the low rate which had obtained since 1898, it was felt that the ordinary classification could not be applied. It was therefore decided to charge the same scale rate as applies to grain, namely "J" given below, so that the rate now charged for a maund of Jagree from Diksal is precisely the same as that charged for a maund of Jowaree, or other grains, though the value of Jagree is much higher than Jowaree and other grains:—

		Per maund per mile.	
1 to 425 miles	33
426 to 700 miles	25
701 and beyond	15

} Differential rule applies.

7. In considering the question it should not be lost sight of that under the wagon scale rate, merchants could not take advantage of the rate without loading the wagons to the full carrying capacity, and this involved the under layers of Jagree being crushed, which reduced the value, whereas the present scale rate applies on actual weight.

8. The enhancement of the rates for Jagree was notified in our Rate Circular dated the 1st April 1911, which came into force from 1st June 1911, and not the 1st March 1911, as stated by the Raje of Malegaon.

9. The quantity of Jagree despatched from Diksal between 1st June 1911 and 31st May 1912, at the enhanced rate, was 341,278 maunds, while the quantity despatched in the previous year ending the 31st May 1911, at the old wagon rate, was 350,081 maunds. This shows a slight decrease due to the outturn being less consequent on the failure of the monsoon. The present rate cannot be said to be greater than the traffic can bear as otherwise it would have shown a considerable decrease in maundage.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) Illegible,

for Agent.

APPENDIX E.

Statement showing the realizations of Judicial Fines under the Abkari Act during the years 1909-10, 1910-11 and 1911-12.

PRESIDENCY PROPER.

Name of District.	Year.		
	1909-10.	1910-11.	1911-12.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Bombay	3,795 5 0	5,849 10 10	7,545 10 11
Ahmedabad	1,140 12 0	1,454 4 0	1,177 12 0
Broach	333 8 0	213 8 0	182 0 0
Kaira	2,399 8 0	2,988 12 0	2,475 8 0
Panch Maháls	1,905 4 6	805 15 6	1,014 13 0
Surat	918 5 0	1,251 12 0	1,486 13 0
Thána	1,801 0 0	2,699 0 0	1,953 0 0
Ahmednagar	822 2 8	219 4 0	171 8 0
East Khándesh	2,490 2 0	1,747 6 0	1,009 14 0
West Khándesh	491 5 0	417 0 0	836 8 0
Násik	1,188 8 0	1,756 8 0	1,517 13 0
Poona	735 0 0	1,009 0 0	420 0 0
Sátára	582 0 0	672 8 0	698 8 0
Sholápur	712 8 0	810 12 6	311 0 0
Belgaum	512 0 0	837 10 0	407 12 0
Bijápur	476 10 0	257 3 0	1,239 3 0
Dhárwár	1,150 11 0	1,248 6 0	512 2 0
Kánara	492 13 11	512 12 0	654 8 0
Kolába	237 0 0	427 0 0	1,082 11 0
Ratnágiri	534 0 0	709 0 0	1,472 0 0
Total	22,718 6 8	25,886 14 10	26,218 15 11

Name of District.	Year.		
	1909-10.	1910-11.	1911-12.
	Rs.	Rs.	Rs.
Karachi	300	243	242
Hyderabad	209	110	620
Sukkur	368	1,547	190
Larkana	409	500	432
Thar and Parkar	50	7	27
Upper Sind Frontier	210	484	560
Total ..	1,544	2,891	2,071

APPENDIX F.

No. 2100.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 9th August 1912.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 673, dated the 15th July 1912.

The Law to amend the
Bombay Medical Act, 1912.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,

Secretary to the Government of India.

APPENDIX. G.

No. 2500.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 19th August 1912.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copies of the Laws noted on the margin, which were received with your letter No. 720, dated the 29th July 1912.

The Law further to amend the
Bombay District Municipal Act,
1901.

The Law further to amend the
Bombay Land-revenue Code, 1879.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,

Secretary to the Government of India.

APPENDIX H.

No. 2604.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 30th August 1912.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 762, dated the 7th August 1912.

The Law further to amend
the Bombay A'bkári Act,
1878.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,

Secretary to the Government of India.

APPENDIX. I.

BOMBAY TRAMWAYS BILL No. IX of 1912.

To

HIS EXCELLENCY THE RIGHT HONOURABLE
 SIR GEORGE SYDENHAM CLARKE,
 G.C.M.G., G.C.S.I., G.C.I.E., F.R.S., (R.E., RETD.),
 GOVERNOR AND PRESIDENT IN COUNCIL,
 AND THE MEMBERS OF THE LEGISLATIVE COUNCIL
 OF THE GOVERNOR OF BOMBAY.

The humble petition of the undersigned residents
 and owners of immoveable property in Bombay,

Sheweth as follows:—

1. A Bill (hereinafter called the Bill) has been introduced into and is now pending before Your Honourable Council entitled "an Act further to amend the Bombay Tramways Act, 1874."

2. The statement of objects of the Bill states that the Bill is to supply an omission in Bombay Tramways Act, 1874, and to afford to the grantees under Act statutory protection against actions at law to restrain them from carrying out necessary overhauling and repairs on the alleged ground of their creating nuisance.

3. Your petitioners are the owners of property and the inhabitants of flats and dwelling houses in the vicinity of Colába Causeway Ormiston Road and Woodhouse Road, Bombay, in the neighbourhood of the Colába Depôt of the Bombay Electric Supply and Tramways Company, Limited (hereinafter referred to as the Company), which depôt is erected upon the land first described in the Schedule II to the Bill.

4. The said Colába Depôt of the Company is situated in a populous and valuable residential quarter of Bombay which is likely in the near future to become even more popular and desirable as a residential quarter when the Bombay Cotton Green is removed to Mazagaon, which will have the effect of removing the heavy cart traffic along Colába Causeway and adjoining streets and a large area will be available for the erection of residential buildings. With the removal of the Cotton Green your petitioners anticipate that much of the goods traffic now collected at the Great Indian Peninsula Railway Company's Colába goods yard will also be diverted from that neighbourhood. Your petitioners confidently anticipate that this neighbourhood has great possibilities as a desirable residential neighbourhood in the near future resulting in an increase of the value of properties.

5. For some years past there have been constant complaints of the noise emanating from the Company's Colába Depôt and especially the noise of repairs being executed thereon and frequently continuing until midnight and even after midnight and commencing again as early as 4 o'clock in the morning. The principal noise complained of is the hammering on iron and steel, shouting of orders and clanging of bells. This noise continues all day but is especially noticeable and a nuisance at night time. Residents in the immediate neighbourhood are frequently disturbed in their sleep and unable to obtain proper rest at night time on account of this noisy nuisance emanating from the said Colába Depôt.

6. Your petitioners are advised that the Company cannot by user or prescription obtain any legal right to commit this nuisance upon their premises, and your petitioners have therefore hitherto been able to exercise some restraint upon the noisy nuisance created by the Company upon the said Colába Depôt premises.

7. Your petitioners observe with great apprehension that the object of the Bill is to afford to the Company statutory protection against actions at law in respect of legal nuisance committed by the Company in the buildings now erected upon the said Colába Depôt and any other buildings which may at any time hereafter be erected thereon or on any part or parts thereof. Your petitioners submit that instead of affording such legal protection to the Company the Company should be compelled by law to cease using the said Colába Depôt as a workshop for the maintenance and repair of the Company's tramcars and carriages and the different parts thereof and to remove such workshop to a less valuable and more suitable quarter of the Island, and that there are numerous other sites available upon the Company's tramway system where a workshop could be established which would not be an offence and nuisance to the neighbourhood.

8. Your petitioners cannot accept the statement given in the reasons for the submission of the said Bill that the Legislature of the United Kingdom would afford legal protection for a nuisance in a valuable residential neighbourhood, at any rate without thorough consideration of whether more suitable sites are not available which will equally serve the purposes of the undertaking.

9. Your petitioners Messrs. Cowasji Dinshaw & Brothers are the owners of the property known as Donald House situated upon Colába Causeway and opposite to the Company's said Colába Depôt. This house consists of residential flats and the tenants thereof were constantly complaining to Messrs. Cowasji Dinshaw & Brothers of the noise upon the Company's premises and especially the nuisance created at night. The tenants wrote and complained to the Company and would receive promises that the nuisance should not occur again, but unfortunately it was only a question of time, when the noise and nuisance complained of would again become as bad as ever. Messrs. Cowasji Dinshaw & Brothers decided to take the matter up on behalf of their tenants and on the 2nd August 1910, through their Solicitors Messrs. Little & Co., they addressed the Company upon the subject. The following is a copy of the letter:—

Bombay, 2nd August 1910.

THE MANAGER,
The Bombay Electric Supply and Tramways Co., Ltd.,
Colába.

Dear Sir,

We are instructed by Messrs. Cowasji Dinshaw & Brothers, the lessees of Donald House, Colába Causeway, to call your attention to the nuisance caused nearly every night to the tenants of that house by the noises from your Company's workshops on the other side of the road.

We are informed that for the last 3 or 4 nights the loud noises of hammering, etc., have continued after sunset and up to 2 o'clock the following morning and the tenants have informed our clients that the noise has been so unbearable that they will have to vacate our clients' house unless the nuisance is stopped.

Our clients trust that you will take immediate steps to stop the nuisance, and if you do not do so and any of our clients' tenants leave their house, they will hold the Company responsible for the rent and other losses they may sustain.

Yours faithfully,
(Signed) LITTLE & Co.

To this letter the following reply was received, in which the Company stated that the complaints were of a very exaggerated nature:—

Messrs. LITTLE & Co.,
Apollo Street,
Bombay.

Bombay, 4th August 1910.

Dear Sirs,

Replying to your letter No. 834—10 of the 2nd instant we always do our best to reduce the noise at our depôt to a minimum and the representations made to your clients are of a very exaggerated nature.

Our Colába Depôt has been used for the nightly overhaul of cars for about 30 years, and while we are willing to do everything in our power to meet our neighbours we cannot guarantee absolute silence.

Yours faithfully,
THE BOMBAY ELECTRIC SUPPLY AND TRAMWAY CO., LTD.

(Signed) A. T. COOPER,
Managing Engineer.

Messrs. Cowasji Dinshaw & Brothers, however, soon began to receive further complaints from their tenants, which they carefully enquired into and ascertained to be well founded, and they accordingly decided that, unless the Company undertook to abate the nuisance, legal action should be taken. The following letter was accordingly addressed by their Solicitors to the Company :—

Bombay, 8th March 1911.

THE MANAGER,
Bombay Electric Supply and Tramways Co., Ltd.,
Colába.

Dear Sir,

We are instructed by our clients Messrs. Cowasji Dinshaw & Brothers, the owners of Donald House, Colába, opposite your depôt, to invite your immediate attention to our letter to you, No. 8341—10 of the 2nd August last, and to your reply thereto, No. 3418 of the 4th idem relative to the nuisance and annoyance caused to their tenants by the noise that emanates, both night and day, from your Company's premises.

Our clients say that they are constantly receiving complaints from their tenants and they have enquired into them and are satisfied that these complaints are not exaggerated. We are instructed that one of the tenants has had considerable correspondence with your Company on the subject.

We are informed that the chief noise appears to be hammering on iron and steel, shouting and clanging of bells, and that this continues late at night and into the small hours of the morning, so that the tenants' rest is much disturbed and in fact some nights sleep is impossible. The nuisance is also prevalent during the day.

We are instructed that some of our clients' tenants have already left on account of the noise at your Company's premises and other tenants are threatening to leave unless this is stopped. Our clients are therefore suffering and are likely to suffer a serious loss through the nuisance created on your Company's premises, and it will be difficult to find new tenants with the house obtaining the reputation it seems likely to. We are instructed to say that the value of our clients' property is being depreciated to a very prejudicial extent, for which our clients will hold your Company responsible. There is no doubt that the ordinary comforts of our clients' property are being interfered with.

We are accordingly instructed to give you notice that unless the nuisance and annoyance complained against are stopped at once, and unless within seven days you give our clients an undertaking in writing that steps are being immediately taken by your Company to provide that such nuisance and annoyance does not and shall not recur, and unless you satisfy our clients that the causes of the nuisance have been and are being removed, our clients will apply for an injunction to restrain your Company from continuing the nuisance and will take proceedings for damages against your Company, for the consequences and costs of which your Company will be held liable.

We are instructed to add that our clients are not prepared to accept any vague promises as to abatement of the noises, and you will therefore please take notice that if your undertaking

as above stated is not given before Wednesday next the 15th instant our instructions are to file proceedings without further notice.

Yours faithfully,
(Signed) LITTLE & Co.

And also the following letter :—

Bombay, 13th March 1911.

The MANAGER,
Bombay Electric Supply and Tramways Co., Ltd.

In continuation of our letter No. 2616—11 of the 8th instant our clients have called on us this morning with one of their tenants who informs that he was returning to his flat about 3 a. m. yesterday morning and he took particular note of the hammering and noise that was then proceeding from your Company's premises. Our clients say that your Company cannot justify their action in permitting this noise to proceed in the dead of night, whereby their tenants' rest is disturbed, and we are instructed to inform you that unless the undertaking is given as mentioned in our letter above referred to our clients will take immediate action.

Your Solicitors Messrs. Craigie, Blunt & Caroe have requested us to give you until Saturday next the 18th instant to reply to our last letter and we have consented to this, but please note that no further extension will be given.

A copy of this letter is forwarded to Messrs. Craigie, Blunt & Caroe.

Yours faithfully,
(Signed) LITTLE & Co.

10. Your petitioners Messrs. Cowasjee Dinshaw & Brothers prepared a plaint with intent to file a suit in the Bombay High Court against the Company, but before the said suit was filed the Company entered into negotiations for a settlement of the matter, the basis of these negotiations being the statement by the Agent of the Company that the Company contemplated that within three years the Company would have removed their repairing workshops from Colába to sites in the more northern parts of Bombay, thereby removing the immediate cause of nuisance. Upon this statement and the Company guaranteeing in the meantime to indemnify Messrs. Cowasjee Dinshaw & Brothers against pecuniary loss through tenants vacating their property an agreement for settlement was entered into. The terms of settlement were agreed upon at a meeting and the following was drawn up and signed as to the period of the guarantee by the Company :—

DONALD HOUSE.
COWASJEE DINSHAW & BROTHERS
and
THE B. E. S. AND TRAMWAYS COMPANY.

This guarantee shall continue for three years after which the guarantee shall continue until the expiration of one year from the date upon which Cowasjee Dinshaw & Brothers shall cease to have a legal cause of complaint against the Company for nuisance. The Company shall be entitled at any time after the expiration of three years from the date of this agreement to give written notice of their intention to discontinue this guarantee and at the expiration of one year from the date of the notice this guarantee shall cease : provided that Cowasjee Dinshaw & Brothers shall not refuse to accept such notice and to release this guarantee on the ground that a legal cause of complaint for nuisance was existing and did exist at or after the date of such notice. If there shall be a dispute as to whether a legal cause of complaint for nuisance did or did not exist at or after the date of such notice then this dispute shall be submitted to the arbitration of a single arbitrator mutually agreed upon,

Approved,
(Signed) F. C. REMINGTON,

for the Bombay Electric Supply and Tramway Co., Ltd.
5th May 1911.

11. Your petitioners submit that as long as the Company have been compelled to restrict the amount of noise made by them upon their premises by fear of legal actions for nuisance there has been a restraining influence, but if workshops are legalised by an Act of the Governor in Council upon the said Colaba Depôt the Company will with impunity be enabled to carry on their works and repairs both by day and by night and will be enabled to erect new and extensive workshops, and that it is not unlikely that the nuisance will become so great that rest and quietness in any of the neighbouring houses will be an impossibility and thereby health will be impaired and heavy pecuniary loss and damage will fall upon the owners of immoveable property.

12. Your petitioners respectfully submit that the powers sought by the Bill are too wide and general and contrary to sound policy, and your petitioners allege that the Bill will prejudicially and injuriously affect their rights, property and interests, and they submit that the Bill should either not be allowed to pass or should be amended so as to eliminate from the effect of the Bill the Colába Depôt of the Company, being the immoveable property first mentioned in Schedule II to the Bill.

Your petitioners therefore humbly pray that the Bill may not be allowed to pass into law as it now stands and that the same may be amended by omitting the immoveable property first described in the Schedule II to the Bill and further that the Company may be ordered to remove their workshop from the said Colába Depôt or that such other order may be made and such relief given to your petitioners in the premises as may seem meet.

And your petitioners as in duty bound will ever pray.

Signatories.

Cowasjee Dinshaw & Bros.
A. N. Templeton.
S. W. Vacha.
D. W. Lamb.
Hormasji R. Umrigar.
Dosabhoj R. Umrigar.
Jamshedjee Pestonjee Doctor.
Sorabji Nowroji.
John & Co.
A. E. Thomas.
Thos. Bromley.
A. Smith.
P. Moore.
Bhoop & Co.
J. M. Moses.
A. Ninhim.
Nowrojee Jeewanjee Guzdar.
F. N. Bennett.
J. F. Edwards, Wesleyan Chaplain.

M. A. Crisp.
J. N. Menesse.
E. Bease.

B 101—191

Interest.

Owners of the Donald House.
Tenant of Donald House.
Do.
Do.
Owners of Umrigar Building.
Tenant of Umrigar Building.
Do.
Tenant of Donald House.
Do. do.
Do. 3rd floor, Dantra House.
Do. top floor, Dantra House.
Do. 1st floor, Fern House.
Do. ground floor, Fern House.
Do. 2nd floor, Dantra House.
Do. ground floor, Dantra House.
Owner of house at Wodehouse Road.
Do.
Resident of Wesleyan Manse,
Ormiston Street, and representing
the Trustees of the Wesleyan pro-
perty—Manse Church and School—
situated near the Electric Tram-
way's stables.
Tenant of Fern House.
7, Sargent House.
6, Sargent House.

<i>Signatories.</i>	<i>Interest.</i>
T. W. Winning.	8, Sargent House.
W. Davidson	15, Sargent House.
Mrs. Phillips	Jenkins House.
A. S. Framjee.	Resident of 4G, Wodehouse Road.
E. Hoffminster.	Resident, Sargent House.
J. DesLonghamfer.	Resident, Jenkins House.
B. Mannheing.	Resident, Janjira Chambers, Wodehouse Road.
A. G. Reed.	5, Wodehouse Road, Fort.
Gustadjee Sorabjee Bharucha.	No. 4G, Wodehouse Road.
Ada Roberts.	5, Wodehouse Road.
F. Mitchell.	Barrow Road.
W. G. Barrett.	} 5, Sargent House.
H. F. Otto.	
J. Knox.	10, Sargent House.
F. Wade.	14, Sargent House.
W. Williams.	Sargent House.
A. P. Cama.	Dhun House, Apollo Bunder.
R. D. Rutterfield.	Resident of Sargent House, Barrow Road.
Phiroz J. Bilimoria.	Secretary to the Board, owners of Sargent and Jenkins Houses.
E. Balakchand.	Resident of Donald House.
William T. Cauley.	Do. do.
E. Bappagho.	Do. Sargent House.
J. A. Butterfield.	Do. Fern House.
Walter C. J. Shortt.	Tenant of 6, Wodehouse Road.

APPENDIX J.

BOMBAY IMPROVEMENT TRUST.

No. 7268 OF 1912.

From

W. N. SHILSTONE, Esq.,
Secretary, Bombay Improvement Trust ;

To

THE SECRETARY TO GOVERNMENT,
Legal Department.

ESPLANADE ROAD.

Bombay, 23rd September 1912.

SIR,

Bill to amend the Bombay Tramways Act

I am directed to state that the attention of the Trustees of the Improvement of the City of Bombay has been called to the draft Bill No. 9 of 1912 published in the *Bombay Government Gazette*, Part VII, 24th July 1912, and to observe as follows :—

The Trustees are the ground landlords of certain valuable residential properties abutting on the Wodehouse Bridge Road which are divided from the premises firstly described in Schedule 2 of section 3 of the Bill by a narrow

accommodation road. They are also ground landlords of other properties on the east side of Ormiston Road used as Police Lines and of other bungalows abutting on Wodehouse Bridge Road.

The Board's properties, specially those abutting on the Wodehouse Bridge Road, are high class residential properties all of which were erected prior to 1904 at a time when the premises now in the occupation of the Bombay Electric Supply and Tramways Co., Ltd., belonged to the Bombay Tramway Co., Ltd., and were used as stables.

Since the advent of the Bombay Electric Supply and Tramways Co., Ltd., and the conversion of their undertaking to electric traction, the premises above referred to ceased to be used as stables and are now used for the housing or storage of tram cars and as workshops for the maintenance and repair thereof.

Various complaints have from time to time been made to those responsible for the working of the Bombay Electric Supply and Tramways Co.'s concern of the nuisance created, specially at night, by the noise coming from these premises caused by repairs to the tram cars and these complaints have been followed by some reduction of the nuisance for a time.

It is inevitable that there will be a heavy depreciation in the letting value of the residential properties in the neighbourhood, if the nuisance at present intermittent becomes legalised and permanent. To pass into law an Enactment having this result without giving the various parties interested full opportunity of being heard will, if it is submitted, be most inequitable and contrary to all precedent. From the way in which the Statement of Objects and Reasons at the foot of the Bill is worded it is apprehended that the serious nature of the threatened nuisance has not been realised by those responsible for the Bill and it is moreover alleged in the same statement that the provisions of the kind proposed in the Bill are to be found in many Enactments of the Legislature of the United Kingdom which relate to Companies empowered to carry out undertakings which serve the general public.

The Trustees would be in a far better position to examine into the correctness of these statements if particulars could be furnished of the Enactments of the Legislature to which reference is made. For the present they are under the impression that the interests of private owners are properly safeguarded by special clauses where it is imperative that work causing them damage has to be done or by a general clause such as is to be found in section 45 of the Model Tramway Bill of the House of Lords' Model Bills and Clauses, 1911. This section is as follows:—

“Nothing in this Act shall exonerate the Company from any indictment, action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or used by them for the purposes of their undertaking.”

2. I am therefore to urge the insertion in the proposed Bill of a section similar to section 45 above, and to ask, if this cannot be done, that before any further action is taken on the Bill a general inquiry be held enabling the surrounding landowners, their tenants and the occupiers of their houses to be heard with a view to proper clauses being framed for their protection.

I have the honour to be,

Sir,

Your most obedient servant,

W. N. SHILSTONE,

Secretary.

APPENDIX K.

*Málwan, District Ratnágiri,
23rd August 1912.*

To

HIS EXCELLENCY THE GOVERNOR OF BOMBAY PRESIDENCY,
in Council.

Honourable Sir,

I, the undersigned, Rayaji Dattatraya Pai of Málwan, District Ratnágiri, most respectfully beg to lay before Your Excellency in Council the following lines hoping that they will meet with the favourable consideration of Your Excellency in Council.

For the sake of convenience it was enacted that the claims of simple mortgages, the period of which was decided to be of 12 years and which had expired already before the decision, should be brought into Court before the 7th August 1910. But owing to misunderstanding some creditors who had not filed their claims in Courts before the appointed date of 7th August 1910 but had only presented applications before the conciliators before that date, were held to be barred by the law of limitation by the High Court of Bombay. Hence the creditors in the Bombay Presidency were put to a considerable loss on account of the ambiguity. This being made known to the Bombay Government, a Bill has been brought before Your Excellency in Council to the effect that those simple mortgagees who had brought their suits in the Courts or obtained conciliators' certificates before the 1st April 1912, should be allowed the efflux of time in case they bring their suits within 2 months from the passing of the Bill in future. But no clear provision is made for those who had made the applications before the conciliators on or before the 7th August 1910 but have not yet neither before the 1st April 1912, received the required certificates, there being no laches on their parts. Consequently is the humble prayer that they too ought to be included in the Bill, as they are entitled to the exclusion of time. I have made the applications to the conciliators before the said 7th of August and have not still received the certificates of some of them, they being transferred thrice to different conciliators by the occasional orders of the Civil Courts.

I most respectfully beg to remain,

Your Excellency in Council's most obedient servant,

RAYAJI DATTATRAYA PAI.

APPENDIX L :

To

HIS EXCELLENCY THE GOVERNOR OF
BOMBAY PRESIDENCY IN COUNCIL,
Bombay.

Honourable Sir,

I, the undersigned, Rajaram Vinayak Kulkarni of Malvan, district Ratnágiri, most respectfully beg to lay before Your Excellency in Council, the following few lines, regarding the proposed bill for excluding the time taken before the Conciliators in cases of simple mortgages, hoping that they will meet with the favourable consideration of Your Excellency in Council.

By the Act IX of 1908, it was enacted that the limitation for the claims of simple mortgages should (be) of twelve years and that the claims of those of such mortgages, the abovementioned period of which had been expired before the passing of the Act, should be brought into Court, within two years from the date of the passing of the Act, *i.e.*, before the 7th of August 1910.

Owing to misunderstanding, many creditors, who had such mortgages, presented their applications for the claims on or before the 7th of August 1910 to the Conciliators with a supposition that the time taken before the Conciliators will be excluded. These mortgages were held by the High Court of Bombay to be barred by the law of limitation, as the suits for the same had not been filed in the Civil Court before the 7th of August 1910. On account of this ambiguity, many creditors in this presidency were put to a considerable loss. This being made known to the Government of Bombay, a bill has been brought before Your Excellency in Council to the effect that those simple mortgagees, who having presented their applications to the Conciliators before the 7th of August 1910, have obtained their certificates or brought suits in the Civil Courts before the 1st of April 1912, should be allowed the efflux of time in case they bring their suits again within two months from the passing of the bill in future. But in this bill no clear provision is made for those, who have made applications to the Conciliators before the 7th of August 1910, but have not yet received the Conciliators' certificates, or have received them after the 1st of April 1912, and have brought their suits immediately after getting those certificates. The delay made in getting the certificates, being not due to their faults, it is just that they too should get the advantage of this new bill with others.

I had made such applications of my simple mortgages to the Conciliators before the 7th of August 1910, but have received the Conciliators' certificates in the months of April and May 1912, and have filed suits for some of the claims immediately after getting the certificates. The delay made in getting the certificates was not due to my fault at all, as it was made by the transference of my applications from one Conciliator to the other, by the occasional orders of the Civil Courts. My applications had been so transferred thrice from one Conciliator to the other, owing to the resignations of the Conciliators or some such reasons of them.

Consequently (? it) is my humble prayer that Your Excellency in Council will be kind enough to make a clear provision in the bill for those who have presented their applications to the Conciliators before the 7th of August 1910, but have obtained Conciliators' certificates after the 1st of April 1912 or have brought their suits after the 1st of April 1912 or have not up till now got the certificates; the delay caused being not due to any fault on their part.

I most respectfully beg to remain,
Your Excellency in Council's
most obedient servant,
R. V. KULKARNI.

27th August 1912,

Malvan, district Ratnágiri.

APPENDIX M.

To

P. E. PERCIVAL, ESQUIRE,
Secretary to Government,
Legal Department, Bombay.

Respected Sir,

We, the undersigned, members of the Bar of the Sub-Judge Court of Vita in Khánápur Táluka of the Sátára District, most humbly and respectfully submit the following representation, regarding the proposed provisions contained in Section I of Bill No. X of 1912—an Act to amend Indian Limitation Act 1908—published in *Government Gazette*, dated 2nd August 1912, and solicit your favour in laying it before His Excellency the Governor in Council for prompt and due consideration before the above Bill passes into Law.

2. We are greatly indebted to Government for the prompt action they are going to take to redress the grievance caused by the decision in the case of *Dayaram v. Bangu* passed by the Honourable High Court of Bombay on 23rd February 1911, by bringing forth the said Bill, which we earnestly hope will pass into Law, with some important modifications submitted below. The Bill, as it stands, is not likely to give thorough and complete relief to the large number of litigant public in the Presidency, for whom the measure is intended and taking into consideration the peculiar circumstances of the litigants in this táluka, the Bill really gives no relief to them.

3. As regards the conciliation system as provided in Chapter VI of the Deccan Agriculturists' Relief Act, this táluka has got its own story somewhat different from that to be found in other parts of the Presidency where the conciliation system is in force. Although the Act is in working in this táluka from the time it became law, Chapter VI of the Act, conciliation system, was very recently made applicable to this táluka in the year 1909 by a Notification No. 4672, dated 15th August 1909, published in *Bombay Government Gazette*, Part I, dated 19th August, with effect from 25th August 1909 and the following gentlemen were appointed conciliators for this táluka:—(1) Mr. G. V. Ranade of Vita, (2) Mr. A. A. Deshachougle of Vita, (3) Mr. R. D. Gujar of Paré, (4) Mr. D. A. Mane of Khánápur, (5) Mr. Y. B. Kulkarni of Vangi, (6) Mr. R. S. Deshpande of Tadsar and (7) Mr. V. L. Kanetkar of Devarashte. At the time of the appointment of the above conciliators the period of two years' grace—from 7th August 1908 to 7th August 1910—allowed by Section 31 of the Indian Limitation Act, 1908, for the institution of certain suits for which the period of limitation had been reduced by the said Act from 60 to 12 years, had already commenced to run. Conciliation system having been newly introduced in this táluka, it was believed by the whole litigating public in this táluka that the time taken in obtaining a certificate from conciliators, in cases in which such certificates are obligatory, would in accordance with Section 48 of the Deccan Agriculturists' Relief Act, be excluded from the said period of two years' grace. Consequently all suits of the above nature were lodged by the said public of this táluka with the above named conciliators before the expiration of period of grace, *i. e.*, before 7th August 1910. Subsequently when the list of conciliators throughout the Presidency was revised by Government in the year 1911, the Government Notification No. 4437, dated 31st July 1911, appearing in *Bombay Government Gazette*, Part I, dated 10th August 1911, out of the seven conciliators the following four only were retained and the rest disposed of, *viz*: (1) Mr. G. V. Ranade, (2) Mr. R. D. Gujar, (3) Mr. D. A. Mane and (4) Mr. R. S. Deshpande; the Subordinate Judge of Vita was also appointed *ex-officio* conciliator by the said Notification. Then naturally the whole file of the applications filed as above stated during the period of grace and pending before the conciliators that were disposed of, was, instead of distributing it among the conciliators that were retained, and the *ex-officio* conciliator, transferred by the authorities concerned to the file of one conciliator Mr. G. V. Ranade of Vita; the remaining three conciliators not having good many

applications falling within the period of grace and almost all such applications were lodged with the conciliators that were disposed of, Mr. G. V. Ranade owing to the transfer of file above referred to became, in fact, possessed of the whole stock of applications filed with the conciliators by the whole class of litigant public of this taluka. This was probably done during the last quarter of 1911. From the time the old conciliators became *functus officio* upto the time when Mr. G. V. Ranade became possessed of the applications as stated above, *i. e.* for a period of nearly two months intervening between 31st July 1911 and 5th September 1911, the stock of the application was as it were falling *on sine die* list. On or about 5th September 1911 Mr. Ranade had on his file, including the file transferred to him, about 3,000 applications involving claims of about Rs. 5,44,254. He commenced to work on the file of such a big number of applications in September 1911 and during the course of six months from that date upto 1st April 1912 it was not possible for him, although kindly supplied by Government with clerical assistance, to dispose of more than 900 applications. On 1st April 1912 he had nearly 2,100 applications on his file in each of which work was to be commenced from the beginning. Other conciliators also had at this time nearly about 400 applications pending with them. In all about 2,500 applications involving a claim of about Rs. 4,00,000 were pending before the conciliators of this taluka on 1st April 1912. Up to this date no action could be taken by the conciliators in respect of the said number of applications; they were received by the conciliators on or before 7th August 1910 and kept as they were, only the date of receipt of the applications was noted. The work of issuing summons to opponents was to be commenced according to the serial number of the applications.

4. The words "*where a certificate has been granted previous to the 1st day of April 1912*", appearing in section I of Bill No. X of 1912, puts the litigant public of this taluka in great difficulty. The wording appears to have been inserted upon the supposition that the conciliators must have cleared off their file falling within the period of grace before 1st April 1912; but as a matter of fact this is not the case, as shown above in paragraph 3. Besides, after the decision of the Honourable High Court of Bombay in Civil Reference No. 9 of 1910, dated 23rd February 1911, reported in 13 Bombay Law Reports, page 284, to the effect that Section 31 of the New Limitation Act gave a period of grace of two years from a definite date and that the time occupied in obtaining a certificate could not be excluded, the litigating public did not care for the applications pending before the conciliators and did not try to get conciliator's certificates, being perfectly conscious that they are surely to be non-suited in Civil Court by the force of the above decision dated 23rd February 1911. The only legal course open to them after the said decision, was to apply to Government to get relief from the hardship caused by that decision, which the litigating public of this taluka have done by sending in due time a Memorandum dated 22nd August 1911, which is duly acknowledged to have been received by the Legal Department of the Government of Bombay under office No. 614 of 1911 on 26th August 1911; the litigating public cannot be expected to proceed with the applications pending before the conciliator or with the suits pending before the Court when the Highest Tribunal in the Presidency says that the claims involved in those applications and suits are barred by limitation. After the date of that decision, that is 23rd February 1911, almost the whole class of litigating parties left the applications, falling within the period of grace, to the care of the conciliators, either to be kept on the file or to be dismissed as they like or as they may be advised; and depended solely on, and waited for, the mercy at the hands of Government, of the nature, the Bill is now going to confer upon them. Irrespective of the fact whether the above decision in Reference No. 9 of 1910 was circulated to the conciliators or not, they cannot be said to be quite unaware and unconscious of the effect of the ruling in the said decision, when they are working under the direct superintendence of the sub-judges, to whom, it appears, the copy of the judgment in the said reference was soon after circulated. Among the rules for the guidance of the conciliators appearing in Government Notification

No. 3053, dated 1st June 1910, sub-clause (c) of Rule 3 provides that an application to the conciliator must contain all the facts necessary to show whether the claim is or is not barred by Law of Limitation. This appears to have been provided for the purpose that the conciliators should know that they are not to allow time-barred claims go to courts, by issuing certificates under Section 46 of the Dekkhan Agriculturists' Relief Act. It is also doubtful, if they can legally entertain or retain on their file applications involving time-barred claims or can forward agreements relating to time-barred claims under Section 44 of the Dekkhan Agriculturists' Relief Act or issue certificates relating to such claims under Section 46 of the same Act. The claim based upon such certificates is sure to be dismissed, at its presentation, by the court and instances are not wanting to show that good many agreements made under Section 44, relating to such time-barred claims, are refused to be filed by the court. Thus it is clear, that after the decision in Civil Reference No. 9 of 1910 was passed, it was not, in any way, legally or otherwise, safe or advisable or even necessary or obligatory, upon the litigant public, falling under the scope of the two years' period of grace, to take certificates from the conciliators involving time-barred claims. Under the circumstances, it was useless for them to spend court fee for certificate in each and every application and it was equally illegal for the conciliators to issue certificates for time-barred claims. However it cannot be denied, that after the said decision, in good many cases certificates have been issued by the conciliators and received by the litigants; but this can be said to have been done only *ex absurdo* or *ex abundanti cautela* and not as an obligatory or necessary measure, which a man of ordinary prudence would take. Hence the limit of 1st of April 1912 for the conciliator's certificate fixed by the section 1 of the Bill appears fatal to the relief the Bill proposes to confer upon litigating parties falling under the period of grace of two years.

5. Again to refer to the peculiar circumstances of this taluka, it may humbly be submitted:—

Firstly. That since the decision in Reference 9 of 1910 referred to above, about 800 applications involving a claim of nearly a lakh of rupees have been dismissed by the conciliators for default, the applicants not having cared to appear before the conciliator owing to the notion that their claims are totally time-barred and Civil Court will not recognize their claims but throw them out as time-barred. Relief to such a case is not provided for in the Bill.

Secondly. Nearly 1,000 applications involving claims about the value of Rs. 2,50,000 are at present pending before the conciliator; the limit of 1st April 1912 would work very hard upon the litigant public in this taluka and require to be removed from that section in the interests of the litigant public concerned throughout the whole Presidency.

Thirdly. There are cases to be found in this taluka where the litigants have taken conciliator's certificate as aforesaid after decision in the said Reference and have filed suits which the Court rejected under Order VII, rule 11, clause (d), of the Civil Procedure Code of 1908. No doubt the Bill, in section 4, provides for claims that have been "*wholly or partly dismissed or withdrawn*" but in order to avoid misunderstanding it would be safe to include in that section the case of *rejected* claims also as mentioned above.

Fourthly. There are cases where the litigants have taken conciliator's certificate long before a year. It is not clear from the Bill that such certificates, although they may be a year old, can be made use of at the time of filing suits within the period of two months allowed by Section 1 of the Bill, irrespective of the provision contained in Section 47 of the Dekkhan Agriculturists' Relief Act. Such provision appears to be necessary to remove doubt upon the point.

6. The Bill is evidently and admittedly undertaken to relieve a large portion of litigating public, who instead of filing suits in court before the expiry of period of two years' grace covered by Section 31 of the Indian Limitation Act, made applications before the expiry of the said period to the

conciliator under the belief that the time taken in obtaining a certificate from a conciliator, in cases in which such certificates are obligatory, would, in accordance with the provisions of section 48 of the Dekkhan Agriculturists' Relief Act, 1879, be excluded from the period of two years' grace. The *essential point* to be observed in this case is whether the application to the conciliator was made before the expiry of the grace period, *i. e.* before 7th August 1910. It is impossible to fix a date or make any limit for taking conciliator's certificate; because it is not in the hands of the litigating party to get the certificate at his will or wish from the conciliator; it is to be obtained in the official course of business over which the party has no control; it is not certain at what particular date or in what particular length of time he will get the certificate; it is impossible to get certificates in respect of the applications that are still pending and have not reached the stage of issuing the certificate. Besides no orders are known to have been issued to the conciliators concerned to issue the certificates in question before the 1st April 1912, nor the litigating public concerned were made to understand within a reasonable time previous to that date that any conciliator's certificate taken after that date would be useless under the subsequent legislation in the form of the present Bill. Thus the date of obtaining certificate mentioned in Section 1 of the Bill requires to be totally omitted. Civil Courts can legally accept suits within the period of two months allowed by Section 1 of the Bill on the understanding of the plaintiff to produce conciliator's certificate within a reasonable time. It may be most respectfully and humbly submitted that in order to avoid all sorts of possible doubts and difficulties and to give adequate relief to the public concerned the words "where a certificate has been granted previous to the first day of April 1912 under Section 46 of the Dekkhan Agriculturists' Relief Act" should be replaced by the words "where applications under Section 39 of the Dekkhan Agriculturists' Relief Act for certificates required by Section 47 of the same Act are presented to the conciliator within the period of two years from 7th day of August 1908".

7. In conclusion, we beg to state that if the Bill is not amended as submitted above it is not likely to relieve a large number of litigating public, and in particular this taluka will have to suffer a loss of nearly 5 (five) lakhs of rupees, *i. e.*, about $\frac{1}{10}$ th of the total amount of the loss estimated in the statement of the objects and reasons of the present Bill, and respectfully and humbly pray that the Government will be pleased to introduce amendments in the proposed Bill on the considerations submitted above as well as in the other respects, so as to give full and adequate relief to the public for whom the Bill is intended.

We beg to remain,
Respected Sir,

Your most obedient servants,

Datto Krishna Pendse,
Balvant Laxman Chavaner,
Vasudeo Gopal Limaye, Pleader.
Ramchandra Vyankatesh Wadikar, Pleader.
Jagannath Krishna Joshi, Vakil.

Vita, 2nd September 1912.